

B1 (Official Form 1)(04/13)

|   |  |   |
|---|--|---|
| <b>United States Bankruptcy Court</b><br><b>Middle District of North Carolina</b>   |  | <b>Voluntary Petition</b>   |
| Name of Debtor (if individual, enter Last, First, Middle):<br><b>Mack's Heating &amp; Air Conditioning Company</b>  |  | Name of Joint Debtor (Spouse) (Last, First, Middle):  |
| All Other Names used by the Debtor in the last 8 years<br>(include married, maiden, and trade names):   |  | All Other Names used by the Joint Debtor in the last 8 years<br>(include married, maiden, and trade names):   |
| Last four digits of Soc. Sec. or Individual-Taxpayer I.D. (ITIN)/Complete EIN<br>(if more than one, state all)<br><b>56-1929289</b>   |  | Last four digits of Soc. Sec. or Individual-Taxpayer I.D. (ITIN) No./Complete EIN<br>(if more than one, state all)  |
| Street Address of Debtor (No. and Street, City, and State):<br><b>1124 Deep River Road</b><br><b>Sanford, NC</b><br><div style="text-align: right; margin-top: 5px;">ZIP Code<br/><b>27330</b></div>  |  | Street Address of Joint Debtor (No. and Street, City, and State):<br><div style="text-align: right; margin-top: 5px;">ZIP Code</div>  |
| County of Residence or of the Principal Place of Business:<br><b>Lee</b>  |  | County of Residence or of the Principal Place of Business:  |
| Mailing Address of Debtor (if different from street address):<br><div style="text-align: right; margin-top: 5px;">ZIP Code</div>  |  | Mailing Address of Joint Debtor (if different from street address):<br><div style="text-align: right; margin-top: 5px;">ZIP Code</div>  |
| Location of Principal Assets of Business Debtor<br>(if different from street address above):  |  |   |
| <b>Type of Debtor</b><br>(Form of Organization) (Check one box)<br><input type="checkbox"/> Individual (includes Joint Debtors)<br><i>See Exhibit D on page 2 of this form.</i><br><input checked="" type="checkbox"/> Corporation (includes LLC and LLP)<br><input type="checkbox"/> Partnership<br><input type="checkbox"/> Other (If debtor is not one of the above entities,<br>check this box and state type of entity below.)   | <b>Nature of Business</b><br>(Check one box)<br><input type="checkbox"/> Health Care Business<br><input type="checkbox"/> Single Asset Real Estate as defined<br>in 11 U.S.C. § 101 (51B)<br><input type="checkbox"/> Railroad<br><input type="checkbox"/> Stockbroker<br><input type="checkbox"/> Commodity Broker<br><input type="checkbox"/> Clearing Bank<br><input checked="" type="checkbox"/> Other | <b>Chapter of Bankruptcy Code Under Which<br/>the Petition is Filed</b> (Check one box)<br><input type="checkbox"/> Chapter 7<br><input type="checkbox"/> Chapter 9<br><input checked="" type="checkbox"/> Chapter 11<br><input type="checkbox"/> Chapter 12<br><input type="checkbox"/> Chapter 13<br><input type="checkbox"/> Chapter 15 Petition for Recognition<br>of a Foreign Main Proceeding<br><input type="checkbox"/> Chapter 15 Petition for Recognition<br>of a Foreign Nonmain Proceeding  |
| <b>Chapter 15 Debtors</b><br>Country of debtor's center of main interests:<br><br>Each country in which a foreign proceeding<br>by, regarding, or against debtor is pending:  | <b>Tax-Exempt Entity</b><br>(Check box, if applicable)<br><input type="checkbox"/> Debtor is a tax-exempt organization<br>under Title 26 of the United States<br>Code (the Internal Revenue Code).   | <b>Nature of Debts</b><br>(Check one box)<br><input type="checkbox"/> Debts are primarily consumer debts,<br>defined in 11 U.S.C. § 101(8) as<br>"incurred by an individual primarily for<br>a personal, family, or household purpose."<br><input checked="" type="checkbox"/> Debts are primarily<br>business debts.   |
| <b>Filing Fee</b> (Check one box)<br><input checked="" type="checkbox"/> Full Filing Fee attached<br><input type="checkbox"/> Filing Fee to be paid in installments (applicable to individuals only). Must<br>attach signed application for the court's consideration certifying that the<br>debtor is unable to pay fee except in installments. Rule 1006(b). See Official<br>Form 3A.<br><input type="checkbox"/> Filing Fee waiver requested (applicable to chapter 7 individuals only). Must<br>attach signed application for the court's consideration. See Official Form 3B.  |  | <b>Chapter 11 Debtors</b><br>Check one box:<br><input checked="" type="checkbox"/> Debtor is a small business debtor as defined in 11 U.S.C. § 101(51D).<br><input type="checkbox"/> Debtor is not a small business debtor as defined in 11 U.S.C. § 101(51D).<br>Check if:<br><input type="checkbox"/> Debtor's aggregate noncontingent liquidated debts (excluding debts owed to insiders or affiliates)<br>are less than \$2,490,925 (amount subject to adjustment on 4/01/16 and every three years thereafter).<br>Check all applicable boxes:<br><input type="checkbox"/> A plan is being filed with this petition.<br><input type="checkbox"/> Acceptances of the plan were solicited prepetition from one or more classes of creditors,<br>in accordance with 11 U.S.C. § 1126(b). |
| <b>Statistical/Administrative Information</b><br><input checked="" type="checkbox"/> Debtor estimates that funds will be available for distribution to unsecured creditors.<br><input type="checkbox"/> Debtor estimates that, after any exempt property is excluded and administrative expenses paid,<br>there will be no funds available for distribution to unsecured creditors.   |  | THIS SPACE IS FOR COURT USE ONLY  |
| <b>Estimated Number of Creditors</b><br><div style="display: flex; justify-content: space-between;"> <div><input checked="" type="checkbox"/> 1-49</div> <div><input type="checkbox"/> 50-99</div> <div><input type="checkbox"/> 100-199</div> <div><input type="checkbox"/> 200-999</div> <div><input type="checkbox"/> 1,000-5,000</div> <div><input type="checkbox"/> 5,001-10,000</div> <div><input type="checkbox"/> 10,001-25,000</div> <div><input type="checkbox"/> 25,001-50,000</div> <div><input type="checkbox"/> 50,001-100,000</div> <div><input type="checkbox"/> OVER 100,000</div> </div>  |  |   |
| <b>Estimated Assets</b><br><div style="display: flex; justify-content: space-between;"> <div><input type="checkbox"/> \$0 to \$50,000</div> <div><input checked="" type="checkbox"/> \$50,001 to \$100,000</div> <div><input type="checkbox"/> \$100,001 to \$500,000</div> <div><input type="checkbox"/> \$500,001 to \$1 million</div> <div><input type="checkbox"/> \$1,000,001 to \$10 million</div> <div><input type="checkbox"/> \$10,000,001 to \$50 million</div> <div><input type="checkbox"/> \$50,000,001 to \$100 million</div> <div><input type="checkbox"/> \$100,000,001 to \$500 million</div> <div><input type="checkbox"/> \$500,000,001 to \$1 billion</div> <div><input type="checkbox"/> More than \$1 billion</div> </div>      |  |   |
| <b>Estimated Liabilities</b><br><div style="display: flex; justify-content: space-between;"> <div><input type="checkbox"/> \$0 to \$50,000</div> <div><input type="checkbox"/> \$50,001 to \$100,000</div> <div><input type="checkbox"/> \$100,001 to \$500,000</div> <div><input checked="" type="checkbox"/> \$500,001 to \$1 million</div> <div><input type="checkbox"/> \$1,000,001 to \$10 million</div> <div><input type="checkbox"/> \$10,000,001 to \$50 million</div> <div><input type="checkbox"/> \$50,000,001 to \$100 million</div> <div><input type="checkbox"/> \$100,000,001 to \$500 million</div> <div><input type="checkbox"/> \$500,000,001 to \$1 billion</div> <div><input type="checkbox"/> More than \$1 billion</div> </div> |  |   |

**Voluntary Petition***(This page must be completed and filed in every case)*

Name of Debtor(s):

**Mack's Heating & Air Conditioning Company****All Prior Bankruptcy Cases Filed Within Last 8 Years** (If more than two, attach additional sheet)

Location

Where Filed: **- None -**

Case Number:

Date Filed:

Location

Where Filed:

Case Number:

Date Filed:

**Pending Bankruptcy Case Filed by any Spouse, Partner, or Affiliate of this Debtor** (If more than one, attach additional sheet)

Name of Debtor:

**Danielle Spivey**

Case Number:

**12-81054**

Date Filed:

**7/13/12**

District:

**North Carolina Middle District**

Relationship:

**Wife**

Judge:

**Judge Kahn****Exhibit A**

(To be completed if debtor is required to file periodic reports (e.g., forms 10K and 10Q) with the Securities and Exchange Commission pursuant to Section 13 or 15(d) of the Securities Exchange Act of 1934 and is requesting relief under chapter 11.)

☐ Exhibit A is attached and made a part of this petition.

**Exhibit B**

(To be completed if debtor is an individual whose debts are primarily consumer debts.)

I, the attorney for the petitioner named in the foregoing petition, declare that I have informed the petitioner that [he or she] may proceed under chapter 7, 11, 12, or 13 of title 11, United States Code, and have explained the relief available under each such chapter. I further certify that I delivered to the debtor the notice required by 11 U.S.C. §342(b).

**X**

Signature of Attorney for Debtor(s)

(Date)

**Exhibit C**

Does the debtor own or have possession of any property that poses or is alleged to pose a threat of imminent and identifiable harm to public health or safety?

☐ Yes, and Exhibit C is attached and made a part of this petition.

☒ No.

**Exhibit D**

(To be completed by every individual debtor. If a joint petition is filed, each spouse must complete and attach a separate Exhibit D.)

☐ Exhibit D completed and signed by the debtor is attached and made a part of this petition.

If this is a joint petition:

☐ Exhibit D also completed and signed by the joint debtor is attached and made a part of this petition.

**Information Regarding the Debtor - Venue**

(Check any applicable box)

- ☒ Debtor has been domiciled or has had a residence, principal place of business, or principal assets in this District for 180 days immediately preceding the date of this petition or for a longer part of such 180 days than in any other District.
- ☐ There is a bankruptcy case concerning debtor's affiliate, general partner, or partnership pending in this District.
- ☐ Debtor is a debtor in a foreign proceeding and has its principal place of business or principal assets in the United States in this District, or has no principal place of business or assets in the United States but is a defendant in an action or proceeding [in a federal or state court] in this District, or the interests of the parties will be served in regard to the relief sought in this District.

**Certification by a Debtor Who Resides as a Tenant of Residential Property**

(Check all applicable boxes)

- ☐ Landlord has a judgment against the debtor for possession of debtor's residence. (If box checked, complete the following.)

\_\_\_\_\_  
(Name of landlord that obtained judgment)

\_\_\_\_\_  
(Address of landlord)

- ☐ Debtor claims that under applicable nonbankruptcy law, there are circumstances under which the debtor would be permitted to cure the entire monetary default that gave rise to the judgment for possession, after the judgment for possession was entered, and
- ☐ Debtor has included with this petition the deposit with the court of any rent that would become due during the 30-day period after the filing of the petition.
- ☐ Debtor certifies that he/she has served the Landlord with this certification. (11 U.S.C. § 362(l)).

**Voluntary Petition***(This page must be completed and filed in every case)*

Name of Debtor(s):

**Mack's Heating & Air Conditioning Company****Signatures****Signature(s) of Debtor(s) (Individual/Joint)**

I declare under penalty of perjury that the information provided in this petition is true and correct.

[If petitioner is an individual whose debts are primarily consumer debts and has chosen to file under chapter 7] I am aware that I may proceed under chapter 7, 11, 12, or 13 of title 11, United States Code, understand the relief available under each such chapter, and choose to proceed under chapter 7. [If no attorney represents me and no bankruptcy petition preparer signs the petition] I have obtained and read the notice required by 11 U.S.C. §342(b).

I request relief in accordance with the chapter of title 11, United States Code, specified in this petition.

**X** \_\_\_\_\_  
Signature of Debtor

**X** \_\_\_\_\_  
Signature of Joint Debtor

\_\_\_\_\_  
Telephone Number (If not represented by attorney)

\_\_\_\_\_  
Date

**Signature of Attorney\***

**X** /s/ Dirk W. Siegmund  
Signature of Attorney for Debtor(s)

**Dirk W. Siegmund 20796**  
Printed Name of Attorney for Debtor(s)

**Ivey, McClellan, Gatton & Siegmund**  
Firm Name  
**100 S. Elm St, Ste. 500**  
**Greensboro, NC 27401**

\_\_\_\_\_  
Address

**336-274-4658 Fax: 336-274-4540**  
Telephone Number

**April 8, 2015**  
Date

\*In a case in which § 707(b)(4)(D) applies, this signature also constitutes a certification that the attorney has no knowledge after an inquiry that the information in the schedules is incorrect.

**Signature of Debtor (Corporation/Partnership)**

I declare under penalty of perjury that the information provided in this petition is true and correct, and that I have been authorized to file this petition on behalf of the debtor.

The debtor requests relief in accordance with the chapter of title 11, United States Code, specified in this petition.

**X** /s/ Marshall L. Spivey  
Signature of Authorized Individual

**Marshall L. Spivey**  
Printed Name of Authorized Individual

**President**  
Title of Authorized Individual

**April 8, 2015**  
Date

**Signature of a Foreign Representative**

I declare under penalty of perjury that the information provided in this petition is true and correct, that I am the foreign representative of a debtor in a foreign proceeding, and that I am authorized to file this petition.

(Check only one box.)

☐ I request relief in accordance with chapter 15 of title 11, United States Code. Certified copies of the documents required by 11 U.S.C. §1515 are attached.

☐ Pursuant to 11 U.S.C. §1511, I request relief in accordance with the chapter of title 11 specified in this petition. A certified copy of the order granting recognition of the foreign main proceeding is attached.

**X** \_\_\_\_\_  
Signature of Foreign Representative

\_\_\_\_\_  
Printed Name of Foreign Representative

\_\_\_\_\_  
Date

**Signature of Non-Attorney Bankruptcy Petition Preparer**

I declare under penalty of perjury that: (1) I am a bankruptcy petition preparer as defined in 11 U.S.C. § 110; (2) I prepared this document for compensation and have provided the debtor with a copy of this document and the notices and information required under 11 U.S.C. §§ 110(b), 110(h), and 342(b); and, (3) if rules or guidelines have been promulgated pursuant to 11 U.S.C. § 110(h) setting a maximum fee for services chargeable by bankruptcy petition preparers, I have given the debtor notice of the maximum amount before preparing any document for filing for a debtor or accepting any fee from the debtor, as required in that section. Official Form 19 is attached.

\_\_\_\_\_  
Printed Name and title, if any, of Bankruptcy Petition Preparer

\_\_\_\_\_  
Social-Security number (If the bankruptcy petition preparer is not an individual, state the Social Security number of the officer, principal, responsible person or partner of the bankruptcy petition preparer.) (Required by 11 U.S.C. § 110.)

\_\_\_\_\_  
Address

**X** \_\_\_\_\_  
Date

Signature of bankruptcy petition preparer or officer, principal, responsible person, or partner whose Social Security number is provided above.

Names and Social-Security numbers of all other individuals who prepared or assisted in preparing this document unless the bankruptcy petition preparer is not an individual:

If more than one person prepared this document, attach additional sheets conforming to the appropriate official form for each person.

*A bankruptcy petition preparer's failure to comply with the provisions of title 11 and the Federal Rules of Bankruptcy Procedure may result in fines or imprisonment or both. 11 U.S.C. §110; 18 U.S.C. §156.*

**United States Bankruptcy Court**  
**Middle District of North Carolina**

In re **Mack's Heating & Air Conditioning Company**

Debtor(s)

Case No.

Chapter

**11**

**LIST OF CREDITORS HOLDING 20 LARGEST UNSECURED CLAIMS**

Following is the list of the debtor's creditors holding the 20 largest unsecured claims. The list is prepared in accordance with Fed. R. Bankr. P. 1007(d) for filing in this chapter 11 [or chapter 9] case. The list does not include (1) persons who come within the definition of "insider" set forth in 11 U.S.C. § 101, or (2) secured creditors unless the value of the collateral is such that the unsecured deficiency places the creditor among the holders of the 20 largest unsecured claims. If a minor child is one of the creditors holding the 20 largest unsecured claims, state the child's initials and the name and address of the child's parent or guardian, such as "A.B., a minor child, by John Doe, guardian." Do not disclose the child's name. See 11 U.S.C. § 112; Fed. R. Bankr. P. 1007(m).

| (1)<br><i>Name of creditor and complete mailing address including zip code</i>                      | (2)<br><i>Name, telephone number and complete mailing address, including zip code, of employee, agent, or department of creditor familiar with claim who may be contacted</i> | (3)<br><i>Nature of claim (trade debt, bank loan, government contract, etc.)</i> | (4)<br><i>Indicate if claim is contingent, unliquidated, disputed, or subject to setoff</i> | (5)<br><i>Amount of claim [if secured, also state value of security]</i> |
|---|---|--|---|--|
| Internal Revenue Service<br>Centralized Insolvency<br>PO Box 7346<br>Philadelphia, PA 19101-7346    | Internal Revenue Service<br>Centralized Insolvency<br>PO Box 7346<br>Philadelphia, PA 19101-7346  | Taxes Owed 2007<br>thru 2014<br>Lien Filed                                       |   | 268,208.50   |
| North Carolina Dept. of<br>Revenue<br>P.O. Box 1168<br>Raleigh, NC 27602-1168                       | North Carolina Dept. of Revenue<br>P.O. Box 1168<br>Raleigh, NC 27602-1168  | Taxes Owed 2007<br>through 2014<br>Lien Filed                                    |   | 179,000.00   |
| Ava Spivey<br>2684 Deep River Road<br>Sanford, NC 27330   | Ava Spivey<br>2684 Deep River Road<br>Sanford, NC 27330   | Personal Loan to<br>Company  |   | 35,000.00  |
| PNC Bank<br>Attn: Bankruptcy<br>Department<br>249 5th Avenue<br>1 PNC Plaza<br>Pittsburgh, PA 15222 | PNC Bank<br>Attn: Bankruptcy Department<br>249 5th Avenue<br>Pittsburgh, PA 15222   | Line of Credit   |   | 15,000.00  |
| Exxon Mobil<br>PO Box 6404<br>Sioux Falls, SD 57117   | Exxon Mobil<br>PO Box 6404<br>Sioux Falls, SD 57117   | Credit Card  |   | 8,299.18   |
| Discover<br>P.O. Box 30943<br>Salt Lake City, UT 84130  | Discover<br>P.O. Box 30943<br>Salt Lake City, UT 84130  | Credit Card  |   | 5,682.07   |
| The Berry Company<br>4050 Piedmont Parkway,<br>Suite 309+<br>High Point, NC 27265                   | The Berry Company<br>4050 Piedmont Parkway, Suite 309+<br>High Point, NC 27265  | Services Rendered  |   | 4,500.00   |
|   |   |  |   |  |
|   |   |  |   |  |
|   |   |  |   |  |
|   |   |  |   |  |

B4 (Official Form 4) (12/07) - Cont.

In re **Mack's Heating & Air Conditioning Company**

Debtor(s)

Case No. \_\_\_\_\_

**LIST OF CREDITORS HOLDING 20 LARGEST UNSECURED CLAIMS**

(Continuation Sheet)

| (1)   | (2)  | (3)   | (4)  | (5)   |
|---|--|---|--|---|
| <i>Name of creditor and complete mailing address including zip code</i> | <i>Name, telephone number and complete mailing address, including zip code, of employee, agent, or department of creditor familiar with claim who may be contacted</i> | <i>Nature of claim (trade debt, bank loan, government contract, etc.)</i> | <i>Indicate if claim is contingent, unliquidated, disputed, or subject to setoff</i> | <i>Amount of claim [if secured, also state value of security]</i> |
|   |  |   |  |   |
|   |  |   |  |   |
|   |  |   |  |   |
|   |  |   |  |   |
|   |  |   |  |   |
|   |  |   |  |   |
|   |  |   |  |   |
|   |  |   |  |   |
|   |  |   |  |   |

**DECLARATION UNDER PENALTY OF PERJURY  
ON BEHALF OF A CORPORATION OR PARTNERSHIP**

I, the President of the corporation named as the debtor in this case, declare under penalty of perjury that I have read the foregoing list and that it is true and correct to the best of my information and belief.

Date **April 8, 2015**Signature **/s/ Marshall L. Spivey**
**Marshall L. Spivey**  
**President**

*Penalty for making a false statement or concealing property:* Fine of up to \$500,000 or imprisonment for up to 5 years or both.  
 18 U.S.C. §§ 152 and 3571.

**United States Bankruptcy Court**  
**Middle District of North Carolina**

In re **Mack's Heating & Air Conditioning Company**,  
 Debtor

Case No. \_\_\_\_\_

Chapter **11**

**SUMMARY OF SCHEDULES**

Indicate as to each schedule whether that schedule is attached and state the number of pages in each. Report the totals from Schedules A, B, D, E, F, I, and J in the boxes provided. Add the amounts from Schedules A and B to determine the total amount of the debtor's assets. Add the amounts of all claims from Schedules D, E, and F to determine the total amount of the debtor's liabilities. Individual debtors must also complete the "Statistical Summary of Certain Liabilities and Related Data" if they file a case under chapter 7, 11, or 13.

| NAME OF SCHEDULE   | ATTACHED<br>(YES/NO) | NO. OF<br>SHEETS | ASSETS           | LIABILITIES       | OTHER      |
|--|----------------------|------------------|------------------|-------------------|------------|
| A - Real Property  | <b>Yes</b>           | <b>1</b>         | <b>0.00</b>      |                   |            |
| B - Personal Property  | <b>Yes</b>           | <b>4</b>         | <b>81,660.00</b> |                   |            |
| C - Property Claimed as Exempt   | <b>Yes</b>           | <b>4</b>         |                  |                   |            |
| D - Creditors Holding Secured Claims   | <b>Yes</b>           | <b>1</b>         |                  | <b>0.00</b>       |            |
| E - Creditors Holding Unsecured<br>Priority Claims (Total of Claims on Schedule E) | <b>Yes</b>           | <b>2</b>         |                  | <b>447,208.50</b> |            |
| F - Creditors Holding Unsecured<br>Nonpriority Claims                              | <b>Yes</b>           | <b>4</b>         |                  | <b>68,481.25</b>  |            |
| G - Executory Contracts and<br>Unexpired Leases                                    | <b>Yes</b>           | <b>1</b>         |                  |                   |            |
| H - Codebtors  | <b>Yes</b>           | <b>1</b>         |                  |                   |            |
| I - Current Income of Individual<br>Debtor(s)                                      | <b>No</b>            | <b>0</b>         |                  |                   | <b>N/A</b> |
| J - Current Expenditures of Individual<br>Debtor(s)                                | <b>No</b>            | <b>0</b>         |                  |                   | <b>N/A</b> |
| Total Number of Sheets of ALL Schedules  |                      | <b>18</b>        |                  |                   |            |
| Total Assets   |                      |                  | <b>81,660.00</b> |                   |            |
| Total Liabilities  |                      |                  |                  | <b>515,689.75</b> |            |

**United States Bankruptcy Court**  
**Middle District of North Carolina**

In re **Mack's Heating & Air Conditioning Company**,  
 Debtor

Case No. \_\_\_\_\_

Chapter **11**

**STATISTICAL SUMMARY OF CERTAIN LIABILITIES AND RELATED DATA (28 U.S.C. § 159)**

If you are an individual debtor whose debts are primarily consumer debts, as defined in § 101(8) of the Bankruptcy Code (11 U.S.C. § 101(8)), filing a case under chapter 7, 11 or 13, you must report all information requested below.

- ☐ Check this box if you are an individual debtor whose debts are NOT primarily consumer debts. You are not required to report any information here.

**This information is for statistical purposes only under 28 U.S.C. § 159.**

**Summarize the following types of liabilities, as reported in the Schedules, and total them.**

| Type of Liability   | Amount |
|---|--------|
| Domestic Support Obligations (from Schedule E)  |        |
| Taxes and Certain Other Debts Owed to Governmental Units (from Schedule E)  |        |
| Claims for Death or Personal Injury While Debtor Was Intoxicated (from Schedule E) (whether disputed or undisputed) |        |
| Student Loan Obligations (from Schedule F)  |        |
| Domestic Support, Separation Agreement, and Divorce Decree Obligations Not Reported on Schedule E                   |        |
| Obligations to Pension or Profit-Sharing, and Other Similar Obligations (from Schedule F)                           |        |
| TOTAL   |        |

**State the following:**

|   |  |
|---|--|
| Average Income (from Schedule I, Line 12)   |  |
| Average Expenses (from Schedule J, Line 22)   |  |
| Current Monthly Income (from Form 22A-1 Line 11; OR, Form 22B Line 14; OR, Form 22C-1 Line 14 ) |  |

**State the following:**

|  |  |  |
|--|--|--|
| 1. Total from Schedule D, "UNSECURED PORTION, IF ANY" column               |  |  |
| 2. Total from Schedule E, "AMOUNT ENTITLED TO PRIORITY" column             |  |  |
| 3. Total from Schedule E, "AMOUNT NOT ENTITLED TO PRIORITY, IF ANY" column |  |  |
| 4. Total from Schedule F   |  |  |
| 5. Total of non-priority unsecured debt (sum of 1, 3, and 4)               |  |  |

In re **Mack's Heating & Air Conditioning Company**

Case No. \_\_\_\_\_

Debtor

**SCHEDULE A - REAL PROPERTY**

Except as directed below, list all real property in which the debtor has any legal, equitable, or future interest, including all property owned as a cotenant, community property, or in which the debtor has a life estate. Include any property in which the debtor holds rights and powers exercisable for the debtor's own benefit. If the debtor is married, state whether husband, wife, both, or the marital community own the property by placing an "H," "W," "J," or "C" in the column labeled "Husband, Wife, Joint, or Community." If the debtor holds no interest in real property, write "None" under "Description and Location of Property."

**Do not include interests in executory contracts and unexpired leases on this schedule. List them in Schedule G - Executory Contracts and Unexpired Leases.**

If an entity claims to have a lien or hold a secured interest in any property, state the amount of the secured claim. See Schedule D. If no entity claims to hold a secured interest in the property, write "None" in the column labeled "Amount of Secured Claim." If the debtor is an individual or if a joint petition is filed, state the amount of any exemption claimed in the property only in Schedule C - Property Claimed as Exempt.

| Description and Location of Property | Nature of Debtor's Interest in Property | Husband, Wife, Joint, or Community | Current Value of Debtor's Interest in Property, without Deducting any Secured Claim or Exemption | Amount of Secured Claim |
|--------------------------------------|---|------------------------------------|--|-------------------------|
|--------------------------------------|---|------------------------------------|--|-------------------------|

None

|             |             |                      |
|-------------|-------------|----------------------|
| Sub-Total > | <b>0.00</b> | (Total of this page) |
|-------------|-------------|----------------------|

|         |             |
|---------|-------------|
| Total > | <b>0.00</b> |
|---------|-------------|

0 continuation sheets attached to the Schedule of Real Property

(Report also on Summary of Schedules)



In re **Mack's Heating & Air Conditioning Company**

Case No. \_\_\_\_\_

Debtor

**SCHEDULE B - PERSONAL PROPERTY**

Except as directed below, list all personal property of the debtor of whatever kind. If the debtor has no property in one or more of the categories, place an "x" in the appropriate position in the column labeled "None." If additional space is needed in any category, attach a separate sheet properly identified with the case name, case number, and the number of the category. If the debtor is married, state whether husband, wife, both, or the marital community own the property by placing an "H," "W," "J," or "C" in the column labeled "Husband, Wife, Joint, or Community." If the debtor is an individual or a joint petition is filed, state the amount of any exemptions claimed only in Schedule C - Property Claimed as Exempt.

**Do not list interests in executory contracts and unexpired leases on this schedule. List them in Schedule G - Executory Contracts and Unexpired Leases.**

If the property is being held for the debtor by someone else, state that person's name and address under "Description and Location of Property." If the property is being held for a minor child, simply state the child's initials and the name and address of the child's parent or guardian, such as "A.B., a minor child, by John Doe, guardian." Do not disclose the child's name. See, 11 U.S.C. § 112 and Fed. R. Bankr. P. 1007(m).

| Type of Property   | N<br>O<br>N<br>E | Description and Location of Property                          | Husband,<br>Wife,<br>Joint, or<br>Community | Current Value of<br>Debtor's Interest in Property,<br>without Deducting any<br>Secured Claim or Exemption |
|--|------------------|---|---|---|
| 1. Cash on hand  | <b>X</b>         |   |   |   |
| 2. Checking, savings or other financial accounts, certificates of deposit, or shares in banks, savings and loan, thrift, building and loan, and homestead associations, or credit unions, brokerage houses, or cooperatives. |                  | <b>PNC<br/>Checking Account # 2299<br/>Negative \$-256.74</b> | -   | <b>40.00</b>  |
|  |                  | <b>Capital Bank<br/>Checking Acct. # 6406</b>                 | -   | <b>6,680.00</b>   |
| 3. Security deposits with public utilities, telephone companies, landlords, and others.  | <b>X</b>         |   |   |   |
| 4. Household goods and furnishings, including audio, video, and computer equipment.  | <b>X</b>         |   |   |   |
| 5. Books, pictures and other art objects, antiques, stamp, coin, record, tape, compact disc, and other collections or collectibles.  | <b>X</b>         |   |   |   |
| 6. Wearing apparel.  | <b>X</b>         |   |   |   |
| 7. Furs and jewelry.   | <b>X</b>         |   |   |   |
| 8. Firearms and sports, photographic, and other hobby equipment.   | <b>X</b>         |   |   |   |
| 9. Interests in insurance policies. Name insurance company of each policy and itemize surrender or refund value of each.   | <b>X</b>         |   |   |   |
| 10. Annuities. Itemize and name each issuer.   | <b>X</b>         |   |   |   |

Sub-Total > **6,720.00**  
(Total of this page)

3 continuation sheets attached to the Schedule of Personal Property

In re **Mack's Heating & Air Conditioning Company**

Case No. \_\_\_\_\_

Debtor

## SCHEDULE B - PERSONAL PROPERTY

(Continuation Sheet)

| Type of Property  | N<br>O<br>N<br>E     | Description and Location of Property | Husband,<br>Wife,<br>Joint, or<br>Community | Current Value of<br>Debtor's Interest in Property,<br>without Deducting any<br>Secured Claim or Exemption |
|---|----------------------|--------------------------------------|---|---|
| 11. Interests in an education IRA as defined in 26 U.S.C. § 530(b)(1) or under a qualified State tuition plan as defined in 26 U.S.C. § 529(b)(1). Give particulars. (File separately the record(s) of any such interest(s). 11 U.S.C. § 521(c).) | <b>X</b>             |                                      |   |   |
| 12. Interests in IRA, ERISA, Keogh, or other pension or profit sharing plans. Give particulars.   | <b>X</b>             |                                      |   |   |
| 13. Stock and interests in incorporated and unincorporated businesses. Itemize.   | <b>X</b>             |                                      |   |   |
| 14. Interests in partnerships or joint ventures. Itemize.   | <b>X</b>             |                                      |   |   |
| 15. Government and corporate bonds and other negotiable and nonnegotiable instruments.  | <b>X</b>             |                                      |   |   |
| 16. Accounts receivable.  | <b>List Attached</b> |                                      | <b>-</b>                                    | <b>52,110.00</b>  |
| 17. Alimony, maintenance, support, and property settlements to which the debtor is or may be entitled. Give particulars.  | <b>X</b>             |                                      |   |   |
| 18. Other liquidated debts owed to debtor including tax refunds. Give particulars.  | <b>X</b>             |                                      |   |   |
| 19. Equitable or future interests, life estates, and rights or powers exercisable for the benefit of the debtor other than those listed in Schedule A - Real Property.  | <b>X</b>             |                                      |   |   |
| 20. Contingent and noncontingent interests in estate of a decedent, death benefit plan, life insurance policy, or trust.  | <b>X</b>             |                                      |   |   |
| 21. Other contingent and unliquidated claims of every nature, including tax refunds, counterclaims of the debtor, and rights to setoff claims. Give estimated value of each.  | <b>X</b>             |                                      |   |   |

Sub-Total > **52,110.00**  
(Total of this page)

Sheet 1 of 3 continuation sheets attached  
to the Schedule of Personal Property

Case 15-80369 Doc 1 Filed 04/08/15 Page 10 of 46

# Mack's Heating & Air Conditioning Co

| Customer                        | Pending Invoices | Open Balance |
|---------------------------------|------------------|--------------|
| Boyd                            | 1 Open invoice   | \$4,042.00   |
| Cameron United Methodist Church |                  |              |
| Cameron United Methodist Church | 1 Open invoice   | \$189.00     |
| Craven                          | 1 Open invoice   | \$75.00      |
| David Welch                     | 1 Open invoice   | \$25.70      |
| Debbie Thomas                   | 1 Open invoice   | \$75.00      |
| Erica Johnson                   | 1 Open invoice   | \$60.35      |
| Greg Collieri                   |                  |              |
|                                 | 1 Open invoice   | \$150.00     |
| Jeff Cagle                      | 1 Open invoice   | \$283.75     |
| John Walden                     | 1 Open invoice   | \$2,334.17   |
| M&R                             |                  |              |
| M & R Associates                | 2 Open invoices  | \$24,739.98  |
| Mike Hurley                     | 1 Open invoice   | \$255.83     |
| Myra Zallinger                  |                  |              |
|                                 | 1 Open invoice   | \$4,202.15   |
| Remax Southern Property         |                  |              |
| Remax Southern Property         | 4 Open invoices  | \$551.45     |
| Robert Shi                      |                  |              |
|                                 | 2 Open invoices  | \$6,386.88   |
| Rosella Thomas                  | 1 Open invoice   | \$394.25     |
| Rudolph Cotten                  | 1 Open invoice   | \$235.50     |
| Solstas Lab Partners            |                  |              |
| Solstas Lab Partners            | 1 Open invoice   | \$168.75     |
| Static Control                  |                  |              |
| Static Control                  | 1 Open invoice   | \$32.38      |
| Stephanie Wilson                | 1 Open invoice   | \$6,184.32   |
| Terry Clay                      | 1 Open invoice   | \$1,293.75   |
| WSC Construction                |                  |              |
| WSC Construction                | 2 Open invoices  | \$429.38     |

42092 paid last  
38 days

\$52,110.00

9,662 over due

In re **Mack's Heating & Air Conditioning Company**

Case No. \_\_\_\_\_

Debtor

## SCHEDULE B - PERSONAL PROPERTY

(Continuation Sheet)

| Type of Property  | N<br>O<br>N<br>E | Description and Location of Property   | Husband,<br>Wife,<br>Joint, or<br>Community | Current Value of<br>Debtor's Interest in Property,<br>without Deducting any<br>Secured Claim or Exemption |
|---|------------------|--|---|---|
| 22. Patents, copyrights, and other intellectual property. Give particulars.   | <b>X</b>         |  |   |   |
| 23. Licenses, franchises, and other general intangibles. Give particulars.  | <b>X</b>         |  |   |   |
| 24. Customer lists or other compilations containing personally identifiable information (as defined in 11 U.S.C. § 101(41A)) provided to the debtor by individuals in connection with obtaining a product or service from the debtor primarily for personal, family, or household purposes. | <b>X</b>         |  |   |   |
| 25. Automobiles, trucks, trailers, and other vehicles and accessories.  |                  | <b>2003 Chevrolet Express Van 1500; 235,000 miles, poor condition<br/>Rough Trade In NADA Value listed given condition of vehicle</b>  | -   | <b>1,200.00</b>   |
|   |                  | <b>2006 Chevrolet Silverado LS 1500, Regular Cab, 2WD; 165,000 miles, poor condition, needs engine repairs, broken tailgate<br/>90% NADA rough trade-in used given needed repairs and condition of vehicle</b> | -   | <b>3,000.00</b>   |
|   |                  | <b>2008 Chevrolet Express Van LT "135 G1500 1/2 Ton V-8; 165,000 miles, poor condition<br/>90% NADA Value listed</b>   | -   | <b>5,600.00</b>   |
| 26. Boats, motors, and accessories.   | <b>X</b>         |  |   |   |
| 27. Aircraft and accessories.   | <b>X</b>         |  |   |   |
| 28. Office equipment, furnishings, and supplies.  |                  | <b>Office Equipment and furnishings, including computer/desk/scanner/furniture/tv/phone system</b>   | -   | <b>395.00</b>   |
| 29. Machinery, fixtures, equipment, and supplies used in business.  |                  | <b>Machinery and Equipment</b>   | -   | <b>5,635.00</b>   |
|   |                  | <b>Supplies used in Business</b>   | -   | <b>7,000.00</b>   |
| 30. Inventory.  | <b>X</b>         |  |   |   |
| 31. Animals.  | <b>X</b>         |  |   |   |
| 32. Crops - growing or harvested. Give particulars.   | <b>X</b>         |  |   |   |

Sub-Total > **22,830.00**  
(Total of this page)

Sheet 2 of 3 continuation sheets attached  
to the Schedule of Personal Property

Case 15-80369 Doc 1 Filed 04/08/15 Page 12 of 46

## Mack's Heating &amp; Air Conditioning Co Business Property

| Business Property                            | Name                             | Description                   | MILES | CONDITION  | Unit Price |
|--|----------------------------------|-------------------------------|-------|------------|------------|
| Real Estate                                  |                                  |                               |       |            |            |
| None   | none                             | none                          |       |            |            |
| Non real estate                              |                                  |                               |       |            |            |
| EQUIP/TOOLS                                  |                                  |                               |       |            |            |
| TINSMITH                                     | 8FT BRAKE                        | SHEET METAL BRAKE             |       | FAIR       | \$2,750.00 |
| TINSMITH                                     | 4 FT STOMP SHEAR                 |                               |       | FAIR       | \$1,000.00 |
| LOCKFORMER                                   | PITTSBURG MACHINE                | TABLETOP                      |       | POOR       | \$750.00   |
| APPION                                       | RECLAIM                          | G5                            |       | Broken     | \$0.00     |
| Vacuum Pump 6 CFM Yellow Jacket              | Vacuum Pump                      |                               |       | fair       | \$75.00    |
| Reclaim machine                              | unknown name over 15 year old    |                               |       | poor/ fair | \$150.00   |
| TORCHES                                      |                                  | OXY/ACETELYNE TORCH SET       |       | FAIR       | \$250.00   |
| HP   | DESKTOP                          | WINDOWS 8                     |       | FAIR       | \$200.00   |
| BROTHER                                      | PRINTER                          | PRINTER, SCANNER, FAX         |       | FAIR       | \$75.00    |
| SCANSNAP                                     | SCANNER                          | SCANNER                       |       | GOOD       | \$75.00    |
| EMACHINE                                     | DESKTOP                          | COMPUTER windows 7            |       | POOR       | \$50.00    |
| FURNITURE                                    |                                  |                               |       |            |            |
|  | L shape metal desk broken drawer |                               |       | FAIR       | \$50.00    |
| telephone AT&T cordless phone set 2 handsets |                                  |                               |       | fair       | \$10.00    |
| Television                                   | 19 inch television Visio         |                               |       | good       | \$75.00    |
| Leaf Blower                                  | TroyBilt leaf blower             | not running/ needs carborator |       | poor       |            |
| Chain Saw                                    | Poulsen 18" chain saw            | not running/ needs service    |       | poor       |            |
| 16 ft extension ladder fiberglass            |                                  | 15+ years old                 |       | fair       | \$60.00    |
| Inspection camera                            | inspection camera                |                               |       | good       | \$200.00   |
| INVENTORY                                    |                                  |                               |       |            |            |

Inventory List

4/6/2015



In re **Mack's Heating & Air Conditioning Company**

Case No. \_\_\_\_\_

Debtor

**SCHEDULE B - PERSONAL PROPERTY**  
(Continuation Sheet)

| Type of Property   | N<br>O<br>N<br>E | Description and Location of Property | Husband,<br>Wife,<br>Joint, or<br>Community | Current Value of<br>Debtor's Interest in Property,<br>without Deducting any<br>Secured Claim or Exemption |
|--|------------------|--------------------------------------|---|---|
| 33. Farming equipment and implements.                                | <b>X</b>         |                                      |   |   |
| 34. Farm supplies, chemicals, and feed.                              | <b>X</b>         |                                      |   |   |
| 35. Other personal property of any kind not already listed. Itemize. | <b>X</b>         |                                      |   |   |

|                      |                  |
|----------------------|------------------|
| Sub-Total >          | <b>0.00</b>      |
| (Total of this page) |                  |
| Total >              | <b>81,660.00</b> |

Sheet 3 of 3 continuation sheets attached  
to the Schedule of Personal Property

(Report also on Summary of Schedules)



91C (09/13)

**UNITED STATES BANKRUPTCY COURT  
MIDDLE DISTRICT OF NORTH CAROLINA**

**In the Matter of:****Mack's Heating & Air Conditioning Company****Case No.** \_\_\_\_\_**DEBTOR'S CLAIM FOR PROPERTY EXEMPTIONS****Debtor.**

I, **Marshall L. Spivey**, the undersigned debtor, hereby claim the following property as exempt pursuant to 11 U.S.C. § 522(b)(3)(A), (B), and (C), the Laws of the State of North Carolina, and non-bankruptcy federal law.

☐ Check if the debtor claims as exempt any amount of interest that exceeds \$125,000 in value in property that the debtor or a dependent of the debtor uses as a residence.

1. **REAL OR PERSONAL PROPERTY USED BY DEBTOR OR DEBTOR'S DEPENDENT AS RESIDENCE OR BURIAL PLOT.** (NCGS 1C-1601(a)(1)).

Select appropriate exemption amount below:

- ☒ Total net value not to exceed \$35,000.  
☐ Total net value not to exceed \$60,000. (Debtor is unmarried, 65 years of age or older, property was previously owned by debtor as tenant by the entireties or joint tenant with rights of survivorship, and former co-owner is deceased.)

| Description of Property & Address   | Market Value | Mtg. Holder or Lien Holder(s) | Amt. Mtg. or Lien | Net Value       |
|---|--------------|-------------------------------|-------------------|-----------------|
| <b>-NONE-</b>   |              |                               |                   |                 |
| (a) Total Net Value   |              |                               | \$                | <b>0.00</b>     |
| Total Net Exemption   |              |                               | \$                | <b>0.00</b>     |
| (b) Unused portion of exemption, not to exceed \$5,000.<br>(This amount, if any, may be carried forward and used to claim an exemption in any property owned by the debtor. (NCGS 1C-1601(a)(2)). |              |                               | \$                | <b>5,000.00</b> |

2. **TENANCY BY THE ENTIRETY.** The following property is claimed as exempt pursuant to 11 U.S.C. § 522(b)(3)(B) and the laws of the State of North Carolina pertaining to property held as tenants by the entirety.

| Description of Property & Address | Market Value | Mtg. Holder or Lien Holder(s) | Amt. Mtg. or Lien | Net Value |
|-----------------------------------|--------------|-------------------------------|-------------------|-----------|
| <b>-NONE-</b>                     |              |                               |                   |           |

3. **MOTOR VEHICLE.** (NCGS 1C-1601(a)(3). Only one vehicle allowed under this paragraph with net value claimed as exempt not to exceed \$3,500.)

| Year, Make, Model of Auto  | Market Value | Lien Holder(s) | Amt. Lien | Net Value   |
|--|--------------|----------------|-----------|-------------|
| <b>-NONE-</b>  |              |                |           |             |
| (a) Statutory allowance  |              |                | \$        | 3,500       |
| (b) Amount from 1 (b) above to be used in this paragraph.<br>(A part or all of 1 (b) may be used as needed.) |              |                | \$        |             |
| Total Net Exemption  |              |                | \$        | <b>0.00</b> |

4. **TOOLS OF TRADE, IMPLEMENTS, OR PROFESSIONAL BOOKS.** (NCGS 1C-1601(a)(5). Used by debtor or debtor's dependent. Total net value of all items claimed as exempt not to exceed \$2,000.)

| Description   | Market Value | Lien Holder(s) | Amt. Lien | Net Value |
|---------------|--------------|----------------|-----------|-----------|
| <b>-NONE-</b> |              |                |           |           |



91C (09/13)

(a) Statutory allowance \$ 2,000

(b) Amount from 1 (b) above to be used in this paragraph.  
(A part or all of 1 (b) may be used as needed.) \$ \_\_\_\_\_

Total Net Exemption \$ 0.00

5. **PERSONAL PROPERTY USED FOR HOUSEHOLD OR PERSONAL PURPOSES NEEDED BY DEBTOR OR DEBTOR'S DEPENDENTS.** (NCGS 1C-1601(a)(4). Debtor's aggregate interest, not to exceed \$5,000 in value for the debtor plus \$1,000 for each dependent of the debtor, not to exceed \$4,000 total for dependents.)

| Description     | Market Value | Lien Holder(s) | Amt. Lien | Net Value   |
|-----------------|--------------|----------------|-----------|-------------|
| -NONE-          |              |                |           |             |
| Total Net Value |              |                |           | <u>0.00</u> |

(a) Statutory allowance for debtor \$ 5,000

(b) Statutory allowance for debtor's dependents: 0 dependents at \$1,000 each (not to exceed \$4,000 total for dependents) 0.00

(c) Amount from 1(b) above to be used in this paragraph.  
(A part or all of 1 (b) may be used as needed.) \_\_\_\_\_

Total Net Exemption 0.00

6. **LIFE INSURANCE.** (As provided in Article X, Section 5 of North Carolina Constitution.)

Name of Insurance Company\Policy No.\Name of Insured\Policy Date\Name of Beneficiary  
-NONE-

7. **PROFESSIONALLY PRESCRIBED HEALTH AIDS (FOR DEBTOR OR DEBTOR'S DEPENDENTS).** (NCGS 1C-1601(a)(7). No limit on value or number of items.)

Description:  
-NONE-

8. **DEBTOR'S RIGHT TO RECEIVE FOLLOWING COMPENSATION:** (NCGS 1C-1601(a)(8). No limit on number or amount.)

A. \$ -NONE- Compensation for personal injury to debtor or to person whom debtor was dependent for support.  
B. \$ -NONE- Compensation for death of person of whom debtor was dependent for support.  
C. \$ -NONE- Compensation from private disability policies or annuities.

9. **INDIVIDUAL RETIREMENT PLANS AS DEFINED IN THE INTERNAL REVENUE CODE AND ANY PLAN TREATED IN THE SAME MANNER AS AN INDIVIDUAL RETIREMENT PLAN UNDER THE INTERNAL REVENUE CODE.** (NCGS 1C-1601(a)(9). No limit on number or amount.) **AND OTHER RETIREMENT FUNDS DEFINED IN 11 U.S.C. § 522(b)(3)(c).**

| Detailed Description | Value |
|----------------------|-------|
| -NONE-               |       |

10. **COLLEGE SAVINGS PLANS QUALIFIED UNDER SECTION 529 OF THE INTERNAL REVENUE CODE.** (NCGS 1C-1601(a)(10). Total net value not to exceed \$25,000 and may not include any funds placed in a college saving plan within the preceding 12 months not in the ordinary course of the debtor's financial affairs. This exemption applies only to the extent that the funds are for a child of the debtor and will actually be used for the child's college or university expenses.)

| Detailed Description | Value |
|----------------------|-------|
| -NONE-               |       |

91C (09/13)

11. **RETIREMENT BENEFITS UNDER A RETIREMENT PLAN OF OTHER STATE AND GOVERNMENTAL UNITS OF OTHER STATES, TO THE EXTENT THOSE BENEFITS ARE EXEMPT UNDER THE LAWS OF THAT STATE OR GOVERNMENTAL UNIT.** (NCGS 1C-1601(a)(11). No limit on amount.)

Description:

**-NONE-**

12. **ALIMONY, SUPPORT, SEPARATION MAINTENANCE AND CHILD SUPPORT.** (NCGS 1C-1601(a)(12). No limit on amount to the extent such payments are reasonably necessary for the support of Debtor or dependent of Debtor.)

Description:

**-NONE-**

13. **ANY OTHER REAL OR PERSONAL PROPERTY WHICH DEBTOR DESIRES TO CLAIM AS EXEMPT THAT HAS NOT PREVIOUSLY BEEN CLAIMED ABOVE.** (NCGS 1C-1601(a)(2). The amount claimed may not exceed the remaining amount available under paragraph 1(b) which has not been used for other exemptions.)

| Description   | Market Value | Lien Holder(s) | Amt. Lien | Net Value       |
|---|--------------|----------------|-----------|-----------------|
| <b>-NONE-</b>   |              |                |           |                 |
| (a) Total Net Value of property claimed in paragraph 13.                          |              |                | \$        | <b>0.00</b>     |
| (b) Total amount available from paragraph 1(b).                                   |              |                | \$        | <b>5,000.00</b> |
| (c) Less amounts from paragraph 1(b) which were used in the following paragraphs: |              |                |           |                 |
| Paragraph 3(b)  | \$           |                |           |                 |
| Paragraph 4(b)  | \$           |                |           |                 |
| Paragraph 5(c)  | \$           |                |           |                 |
| Net Balance Available from paragraph 1(b)   |              |                | \$        | <b>5,000.00</b> |
| Total Net Exemption   |              |                | \$        |                 |

14. **OTHER EXEMPTIONS CLAIMED UNDER THE LAWS OF THE STATE OF NORTH CAROLINA:**

**-NONE-**

TOTAL VALUE OF PROPERTY CLAIMED AS EXEMPT

\$ **0.00**

15. **EXEMPTIONS CLAIMED UNDER NON-BANKRUPTCY FEDERAL LAW:**

**-NONE-**

TOTAL VALUE OF PROPERTY CLAIMED AS EXEMPT

\$ **0.00**

#### 16. RECENT PURCHASES

The exemptions provided in NCGS 1C-1601(a)(2), (3), (4), and (5) are inapplicable with respect to tangible personal property purchased by the debtor less than 90 days preceding the initiation of judgment collection proceedings or the filing of a petition for bankruptcy, unless the purchase of the property is directly traceable to the liquidation or conversion of property that may be exempt and no additional property was transferred into or used to acquire the replacement property.

List tangible personal property purchased by the debtor less than 90 days preceding the filing of the bankruptcy petition:

| Description               | Market Value | Lien Holder(s)                | Amt. Lien | Net Value |
|---------------------------|--------------|-------------------------------|-----------|-----------|
| <b>-NONE-</b>             |              |                               |           |           |
| DATE <b>April 8, 2015</b> |              | <b>/s/ Marshall L. Spivey</b> |           |           |
|                           |              | <b>Marshall L. Spivey</b>     |           |           |
|                           |              | Debtor                        |           |           |

In re **Mack's Heating & Air Conditioning Company**

Case No. \_\_\_\_\_

Debtor

**SCHEDULE D - CREDITORS HOLDING SECURED CLAIMS**

State the name, mailing address, including zip code, and last four digits of any account number of all entities holding claims secured by property of the debtor as of the date of filing of the petition. The complete account number of any account the debtor has with the creditor is useful to the trustee and the creditor and may be provided if the debtor chooses to do so. List creditors holding all types of secured interests such as judgment liens, garnishments, statutory liens, mortgages, deeds of trust, and other security interests.

List creditors in alphabetical order to the extent practicable. If a minor child is a creditor, the child's initials and the name and address of the child's parent or guardian, such as "A.B., a minor child, by John Doe, guardian." Do not disclose the child's name. See, 11 U.S.C. §112 and Fed. R. Bankr. P. 1007(m). If all secured creditors will not fit on this page, use the continuation sheet provided.

If any entity other than a spouse in a joint case may be jointly liable on a claim, place an "X" in the column labeled "Codebtor", include the entity on the appropriate schedule of creditors, and complete Schedule H - Codebtors. If a joint petition is filed, state whether the husband, wife, both of them, or the marital community may be liable on each claim by placing an "H", "W", "J", or "C" in the column labeled "Husband, Wife, Joint, or Community".

If the claim is contingent, place an "X" in the column labeled "Contingent". If the claim is unliquidated, place an "X" in the column labeled "Unliquidated". If the claim is disputed, place an "X" in the column labeled "Disputed". (You may need to place an "X" in more than one of these three columns.)

Total the columns labeled "Amount of Claim Without Deducting Value of Collateral" and "Unsecured Portion, if Any" in the boxes labeled "Total(s)" on the last sheet of the completed schedule. Report the total from the column labeled "Amount of Claim" also on the Summary of Schedules and, if the debtor is an individual with primarily consumer debts, report the total from the column labeled "Unsecured Portion" on the Statistical Summary of Certain Liabilities and Related Data.

☐ Check this box if debtor has no creditors holding secured claims to report on this Schedule D.

| CREDITOR'S NAME<br>AND MAILING ADDRESS<br>INCLUDING ZIP CODE,<br>AND ACCOUNT NUMBER<br>(See instructions above.) | C<br>O<br>D<br>E<br>B<br>T<br>O<br>R | H<br>U<br>S<br>B<br>A<br>N<br>D<br>W<br>I<br>F<br>E<br>J<br>O<br>I<br>N<br>T<br>C | DATE CLAIM WAS INCURRED,<br>NATURE OF LIEN, AND<br>DESCRIPTION AND VALUE<br>OF PROPERTY<br>SUBJECT TO LIEN | C<br>O<br>N<br>T<br>I<br>N<br>G<br>E<br>N<br>T | U<br>N<br>L<br>I<br>Q<br>U<br>I<br>D<br>A<br>T<br>E<br>D | D<br>I<br>S<br>P<br>U<br>T<br>E<br>D | AMOUNT OF<br>CLAIM<br>WITHOUT<br>DEDUCTING<br>VALUE OF<br>COLLATERAL | UNSECURED<br>PORTION, IF<br>ANY |
|--|--------------------------------------|---|--|--|--|--------------------------------------|--|---------------------------------|
|  |                                      |   |  |  |  |                                      |  |                                 |
| Account No.  |                                      |   |  |  |  |                                      |  |                                 |
|  |                                      |   |  |  |  |                                      |  |                                 |
|  |                                      |   | Value \$   |  |  |                                      |  |                                 |
| Account No.  |                                      |   |  |  |  |                                      |  |                                 |
|  |                                      |   |  |  |  |                                      |  |                                 |
|  |                                      |   | Value \$   |  |  |                                      |  |                                 |
| Account No.  |                                      |   |  |  |  |                                      |  |                                 |
|  |                                      |   |  |  |  |                                      |  |                                 |
|  |                                      |   | Value \$   |  |  |                                      |  |                                 |
| Account No.  |                                      |   |  |  |  |                                      |  |                                 |
|  |                                      |   |  |  |  |                                      |  |                                 |
|  |                                      |   | Value \$   |  |  |                                      |  |                                 |
| Subtotal<br>(Total of this page)   |                                      |   |  |  |  |                                      |  |                                 |
| Total<br>(Report on Summary of Schedules)  |                                      |   |  |  |  |                                      | <b>0.00</b>  | <b>0.00</b>                     |

0 continuation sheets attached

In re **Mack's Heating & Air Conditioning Company**

Case No. \_\_\_\_\_

Debtor

**SCHEDULE E - CREDITORS HOLDING UNSECURED PRIORITY CLAIMS**

A complete list of claims entitled to priority, listed separately by type of priority, is to be set forth on the sheets provided. Only holders of unsecured claims entitled to priority should be listed in this schedule. In the boxes provided on the attached sheets, state the name, mailing address, including zip code, and last four digits of the account number, if any, of all entities holding priority claims against the debtor or the property of the debtor, as of the date of the filing of the petition. Use a separate continuation sheet for each type of priority and label each with the type of priority.

The complete account number of any account the debtor has with the creditor is useful to the trustee and the creditor and may be provided if the debtor chooses to do so. If a minor child is a creditor, state the child's initials and the name and address of the child's parent or guardian, such as "A.B., a minor child, by John Doe, guardian." Do not disclose the child's name. See, 11 U.S.C. § 112 and Fed. R. Bankr. P. 1007(m).

If any entity other than a spouse in a joint case may be jointly liable on a claim, place an "X" in the column labeled "Codebtor," include the entity on the appropriate schedule of creditors, and complete Schedule H-Codebtors. If a joint petition is filed, state whether the husband, wife, both of them, or the marital community may be liable on each claim by placing an "H," "W," "J," or "C" in the column labeled "Husband, Wife, Joint, or Community." If the claim is contingent, place an "X" in the column labeled "Contingent." If the claim is unliquidated, place an "X" in the column labeled "Unliquidated." If the claim is disputed, place an "X" in the column labeled "Disputed." (You may need to place an "X" in more than one of these three columns.)

Report the total of claims listed on each sheet in the box labeled "Subtotals" on each sheet. Report the total of all claims listed on this Schedule E in the box labeled "Total" on the last sheet of the completed schedule. Report this total also on the Summary of Schedules.

Report the total of amounts entitled to priority listed on each sheet in the box labeled "Subtotals" on each sheet. Report the total of all amounts entitled to priority listed on this Schedule E in the box labeled "Totals" on the last sheet of the completed schedule. Individual debtors with primarily consumer debts report this total also on the Statistical Summary of Certain Liabilities and Related Data.

Report the total of amounts not entitled to priority listed on each sheet in the box labeled "Subtotals" on each sheet. Report the total of all amounts not entitled to priority listed on this Schedule E in the box labeled "Totals" on the last sheet of the completed schedule. Individual debtors with primarily consumer debts report this total also on the Statistical Summary of Certain Liabilities and Related Data.

☐ Check this box if debtor has no creditors holding unsecured priority claims to report on this Schedule E.

**TYPES OF PRIORITY CLAIMS** (Check the appropriate box(es) below if claims in that category are listed on the attached sheets)☐ **Domestic support obligations**

Claims for domestic support that are owed to or recoverable by a spouse, former spouse, or child of the debtor, or the parent, legal guardian, or responsible relative of such a child, or a governmental unit to whom such a domestic support claim has been assigned to the extent provided in 11 U.S.C. § 507(a)(1).

☐ **Extensions of credit in an involuntary case**

Claims arising in the ordinary course of the debtor's business or financial affairs after the commencement of the case but before the earlier of the appointment of a trustee or the order for relief. 11 U.S.C. § 507(a)(3).

☐ **Wages, salaries, and commissions**

Wages, salaries, and commissions, including vacation, severance, and sick leave pay owing to employees and commissions owing to qualifying independent sales representatives up to \$12,475\* per person earned within 180 days immediately preceding the filing of the original petition, or the cessation of business, whichever occurred first, to the extent provided in 11 U.S.C. § 507(a)(4).

☐ **Contributions to employee benefit plans**

Money owed to employee benefit plans for services rendered within 180 days immediately preceding the filing of the original petition, or the cessation of business, whichever occurred first, to the extent provided in 11 U.S.C. § 507(a)(5).

☐ **Certain farmers and fishermen**

Claims of certain farmers and fishermen, up to \$6,150\* per farmer or fisherman, against the debtor, as provided in 11 U.S.C. § 507(a)(6).

☐ **Deposits by individuals**

Claims of individuals up to \$2,775\* for deposits for the purchase, lease, or rental of property or services for personal, family, or household use, that were not delivered or provided. 11 U.S.C. § 507(a)(7).

☒ **Taxes and certain other debts owed to governmental units**

Taxes, customs duties, and penalties owing to federal, state, and local governmental units as set forth in 11 U.S.C. § 507(a)(8).

☐ **Commitments to maintain the capital of an insured depository institution**

Claims based on commitments to the FDIC, RTC, Director of the Office of Thrift Supervision, Comptroller of the Currency, or Board of Governors of the Federal Reserve System, or their predecessors or successors, to maintain the capital of an insured depository institution. 11 U.S.C. § 507(a)(9).

☐ **Claims for death or personal injury while debtor was intoxicated**

Claims for death or personal injury resulting from the operation of a motor vehicle or vessel while the debtor was intoxicated from using alcohol, a drug, or another substance. 11 U.S.C. § 507(a)(10).

\* Amount subject to adjustment on 4/01/16, and every three years thereafter with respect to cases commenced on or after the date of adjustment.

In re **Mack's Heating & Air Conditioning Company**,  
Debtor

Case No. \_\_\_\_\_

**SCHEDULE E - CREDITORS HOLDING UNSECURED PRIORITY CLAIMS**  
(Continuation Sheet)

**Taxes and Certain Other Debts  
Owed to Governmental Units**

TYPE OF PRIORITY

| CREDITOR'S NAME,<br>AND MAILING ADDRESS<br>INCLUDING ZIP CODE,<br>AND ACCOUNT NUMBER<br>(See instructions.) | C<br>O<br>D<br>E<br>B<br>T<br>O<br>R | H<br>W<br>J<br>C | Husband, Wife, Joint, or Community<br><br>DATE CLAIM WAS INCURRED<br>AND CONSIDERATION FOR CLAIM | C<br>O<br>N<br>T<br>I<br>N<br>G<br>E<br>N<br>T | U<br>N<br>L<br>I<br>Q<br>U<br>I<br>D<br>A<br>T<br>E<br>D | D<br>I<br>S<br>P<br>U<br>T<br>E<br>D | AMOUNT<br>OF CLAIM | AMOUNT NOT<br>ENTITLED TO<br>PRIORITY, IF ANY |
|---|--------------------------------------|------------------|--|--|--|--------------------------------------|--------------------|---|
|   |                                      |                  |  |  |  |                                      |                    | AMOUNT<br>ENTITLED TO<br>PRIORITY             |
| Account No.   |                                      |                  | <b>Taxes Owed 2007 thru 2014<br/>Lien Filed</b>  |  |  |                                      | <b>268,208.50</b>  |   |
| <b>Internal Revenue Service<br/>Centralized Insolvency<br/>PO Box 7346<br/>Philadelphia, PA 19101-7346</b>  | <b>X</b>                             | <b>-</b>         |  |  |  |                                      |                    | <b>268,208.50</b>                             |
|   |                                      |                  |  |  |  |                                      |                    | <b>0.00</b>                                   |
| Account No.   |                                      |                  | <b>Notice Only</b>   |  |  |                                      | <b>0.00</b>        |   |
| <b>Lee County Tax Collector<br/>106 Hillcrest Drive<br/>Sanford, NC 27331</b>                               | <b>-</b>                             | <b>-</b>         |  |  |  |                                      |                    | <b>0.00</b>                                   |
|   |                                      |                  |  |  |  |                                      |                    | <b>0.00</b>                                   |
| Account No.   |                                      |                  | <b>Taxes Owed 2007 through 2014<br/>Lien Filed</b>   |  |  |                                      | <b>179,000.00</b>  |   |
| <b>North Carolina Dept. of Revenue<br/>P.O. Box 1168<br/>Raleigh, NC 27602-1168</b>                         | <b>X</b>                             | <b>-</b>         |  |  |  |                                      |                    | <b>133,533.62</b>                             |
|   |                                      |                  |  |  |  |                                      |                    | <b>45,466.38</b>                              |
| Account No.   |                                      |                  |  |  |  |                                      |                    |   |
|   |                                      |                  |  |  |  |                                      |                    |   |
|   |                                      |                  |  |  |  |                                      |                    |   |
| Account No.   |                                      |                  |  |  |  |                                      |                    |   |
|   |                                      |                  |  |  |  |                                      |                    |   |
|   |                                      |                  |  |  |  |                                      |                    |   |

Sheet 1 of 1 continuation sheets attached to  
Schedule of Creditors Holding Unsecured Priority Claims

Subtotal  
(Total of this page)

**401,742.12**  
**45,466.38**

Total  
(Report on Summary of Schedules)

**401,742.12**  
**45,466.38**

In re **Mack's Heating & Air Conditioning Company**

Case No. \_\_\_\_\_

Debtor

**SCHEDULE F - CREDITORS HOLDING UNSECURED NONPRIORITY CLAIMS**

State the name, mailing address, including zip code, and last four digits of any account number, of all entities holding unsecured claims without priority against the debtor or the property of the debtor, as of the date of filing of the petition. The complete account number of any account the debtor has with the creditor is useful to the trustee and the creditor and may be provided if the debtor chooses to do so. If a minor child is a creditor, state the child's initials and the name and address of the child's parent or guardian, such as "A.B., a minor child, by John Doe, guardian." Do not disclose the child's name. See, 11 U.S.C. § 112 and Fed. R. Bankr. P. 1007(m). Do not include claims listed in Schedules D and E. If all creditors will not fit on this page, use the continuation sheet provided.

If any entity other than a spouse in a joint case may be jointly liable on a claim, place an "X" in the column labeled "Codebtor," include the entity on the appropriate schedule of creditors, and complete Schedule H - Codebtors. If a joint petition is filed, state whether the husband, wife, both of them, or the marital community may be liable on each claim by placing an "H," "W," "J," or "C" in the column labeled "Husband, Wife, Joint, or Community."

If the claim is contingent, place an "X" in the column labeled "Contingent." If the claim is unliquidated, place an "X" in the column labeled "Unliquidated." If the claim is disputed, place an "X" in the column labeled "Disputed." (You may need to place an "X" in more than one of these three columns.)

Report the total of all claims listed on this schedule in the box labeled "Total" on the last sheet of the completed schedule. Report this total also on the Summary of Schedules and, if the debtor is an individual with primarily consumer debts, report this total also on the Statistical Summary of Certain Liabilities and Related Data.

☐ Check this box if debtor has no creditors holding unsecured claims to report on this Schedule F.

| CREDITOR'S NAME,<br>MAILING ADDRESS<br>INCLUDING ZIP CODE,<br>AND ACCOUNT NUMBER<br>(See instructions above.)                                | C<br>O<br>D<br>E<br>B<br>T<br>O<br>R<br><br>H<br>W<br>J<br>C | Husband, Wife, Joint, or Community  | C<br>O<br>N<br>T<br>I<br>N<br>G<br>E<br>N<br>T | U<br>N<br>L<br>I<br>Q<br>U<br>I<br>D<br>A<br>T<br>E<br>D | D<br>I<br>S<br>P<br>U<br>T<br>E<br>D | AMOUNT OF CLAIM  |
|--|--|---|--|--|--------------------------------------|------------------|
|  |  | DATE CLAIM WAS INCURRED AND<br>CONSIDERATION FOR CLAIM. IF CLAIM<br>IS SUBJECT TO SETOFF, SO STATE. |  |  |                                      |                  |
| Account No. <b>7034</b><br><br><b>American Coradius International, LLC</b><br><b>35A Rust Lane</b><br><b>Boerne, TX 78006-8202</b>           | -  | <b>Notice only as collection for Exxon/Citibank card</b>  |  |  |                                      | <b>0.00</b>      |
| Account No.<br><br><b>Ava Spivey</b><br><b>2684 Deep River Road</b><br><b>Sanford, NC 27330</b>  | -  | <b>Personal Loan to Company</b>   |  |  |                                      | <b>35,000.00</b> |
| Account No. <b>xxx7976</b><br><br><b>Charter Business</b><br><b>PO Box 742600</b><br><b>Cincinnati, OH 45274-2600</b>                        | -  | <b>Notice Only</b>  |  |  |                                      | <b>0.00</b>      |
| Account No. <b>7034</b><br><br><b>CitiBank, N.A.</b><br><b>Credit Card Center</b><br><b>PO Box 6404</b><br><b>Sioux Falls, SD 57117-6404</b> | -  | <b>Notice Only as Exxon Mobile</b>  |  |  |                                      | <b>0.00</b>      |
| Subtotal<br>(Total of this page)   |  |   |  |  |                                      | <b>35,000.00</b> |

3 continuation sheets attached

In re **Mack's Heating & Air Conditioning Company**,

Case No. \_\_\_\_\_

Debtor

**SCHEDULE F - CREDITORS HOLDING UNSECURED NONPRIORITY CLAIMS**

(Continuation Sheet)

| CREDITOR'S NAME,<br>MAILING ADDRESS<br>INCLUDING ZIP CODE,<br>AND ACCOUNT NUMBER<br>(See instructions above.)  | C<br>O<br>D<br>E<br>B<br>O<br>R | Husband, Wife, Joint, or Community  | C<br>O<br>N<br>T<br>I<br>N<br>G<br>E<br>N<br>T | U<br>N<br>L<br>I<br>Q<br>U<br>I<br>D<br>A<br>T<br>E<br>D | D<br>I<br>S<br>P<br>U<br>T<br>E<br>D | AMOUNT OF CLAIM                                   |
|--|---------------------------------|---|--|--|--------------------------------------|---|
|  |                                 | DATE CLAIM WAS INCURRED AND<br>CONSIDERATION FOR CLAIM. IF CLAIM<br>IS SUBJECT TO SETOFF, SO STATE. |  |  |                                      |   |
| Account No. <b>3520</b><br><br><b>Discover</b><br><b>P.O. Box 30943</b><br><b>Salt Lake City, UT 84130</b>   | -                               | <b>Credit Card</b>  |  |  |                                      | <b>5,682.07</b>                                   |
| Account No. <b>9469</b><br><br><b>Duke Energy</b><br><b>PO Box 1090</b><br><b>Charlotte, NC 28201-1090</b>   | -                               | <b>Notice Only</b>  |  |  |                                      | <b>0.00</b>                                       |
| Account No. <b>5463</b><br><br><b>Erie Insurance Exchange</b><br><b>100 Erie Ins Place</b><br><b>Erie, PA 16530</b>                                    | -                               | <b>Notice Only</b>  |  |  |                                      | <b>0.00</b>                                       |
| Account No. <b>7034</b><br><br><b>Exxon Mobil</b><br><b>PO Box 6404</b><br><b>Sioux Falls, SD 57117</b>  | X -                             | <b>Credit Card</b>  |  |  |                                      | <b>8,299.18</b>                                   |
| Account No. <b>3520</b><br><br><b>GE Capital Retail Bank</b><br><b>Attn: Bankruptcy Department</b><br><b>PO Box 103104</b><br><b>Roswell, GA 30076</b> | -                               | <b>Notice Only as Credit Card; Sam's Club<br/>Discover</b>  |  |  |                                      | <b>0.00</b>                                       |
| Sheet no. <u>1</u> of <u>3</u> sheets attached to Schedule of<br>Creditors Holding Unsecured Nonpriority Claims  |                                 |   |  |  |                                      | Subtotal<br>(Total of this page) <b>13,981.25</b> |

In re **Mack's Heating & Air Conditioning Company**,

Case No. \_\_\_\_\_

Debtor

**SCHEDULE F - CREDITORS HOLDING UNSECURED NONPRIORITY CLAIMS**

(Continuation Sheet)

| CREDITOR'S NAME,<br>MAILING ADDRESS<br>INCLUDING ZIP CODE,<br>AND ACCOUNT NUMBER<br>(See instructions above.)   | C<br>O<br>D<br>E<br>B<br>O<br>R | Husband, Wife, Joint, or Community  | C<br>O<br>N<br>T<br>I<br>N<br>G<br>E<br>N<br>T | U<br>N<br>L<br>I<br>Q<br>U<br>I<br>D<br>A<br>T<br>E<br>D | D<br>I<br>S<br>P<br>U<br>T<br>E<br>D | AMOUNT OF CLAIM                  |
|---|---------------------------------|---|--|--|--------------------------------------|----------------------------------|
|   |                                 | DATE CLAIM WAS INCURRED AND<br>CONSIDERATION FOR CLAIM. IF CLAIM<br>IS SUBJECT TO SETOFF, SO STATE. |  |  |                                      |                                  |
| Account No. <b>xxxx &amp; 3814</b>  |                                 | <b>Notice Only</b>  |  |  |                                      |                                  |
| <b>GoDaddy</b><br>14455 North Hayden Road, Suite 219<br>Scottsdale, AZ 85260                                    | -                               |   |  |  |                                      | <b>0.00</b>                      |
| Account No. <b>6742</b>   |                                 | <b>Notice only as Collection Account for<br/>CitiBank, N.A. (7034)</b>                              |  |  |                                      |                                  |
| <b>LTD Financial Services, L.P.</b><br>7322 Southwest Freeway, Ste. 1600<br>Houston, TX 77074-2053              | -                               |   |  |  |                                      | <b>0.00</b>                      |
| Account No. <b>x8320</b>  |                                 | <b>Line of Credit</b>   |  |  |                                      |                                  |
| <b>PNC Bank</b><br>Attn: Bankruptcy Department<br>249 5th Avenue<br>1 PNC Plaza<br>Pittsburgh, PA 15222         | X -                             |   |  |  |                                      | <b>15,000.00</b>                 |
| Account No. <b>7034</b>   |                                 | <b>Notice only as collection for Exxon/Citibank</b>   |  |  |                                      |                                  |
| <b>ProConsulting Services, Inc.</b><br>PO Box 66768<br>Houston, TX 77266-6768                                   | -                               |   |  |  |                                      | <b>0.00</b>                      |
| Account No. <b>xxxxxx9817</b>   |                                 | <b>Services Rendered</b>  |  |  |                                      |                                  |
| <b>The Berry Company</b><br>4050 Piedmont Parkway, Suite 309+<br>High Point, NC 27265                           | -                               |   |  |  |                                      | <b>4,500.00</b>                  |
| Sheet no. <b>2</b> of <b>3</b> sheets attached to Schedule of<br>Creditors Holding Unsecured Nonpriority Claims |                                 |   |  |  |                                      | Subtotal<br>(Total of this page) |
|   |                                 |   |  |  |                                      | <b>19,500.00</b>                 |



In re **Mack's Heating & Air Conditioning Company**

Case No. \_\_\_\_\_

Debtor

**SCHEDULE F - CREDITORS HOLDING UNSECURED NONPRIORITY CLAIMS**

(Continuation Sheet)

| CREDITOR'S NAME,<br>MAILING ADDRESS<br>INCLUDING ZIP CODE,<br>AND ACCOUNT NUMBER<br>(See instructions above.)   | C<br>O<br>D<br>E<br>B<br>O<br>R | Husband, Wife, Joint, or Community  | C<br>O<br>N<br>T<br>I<br>N<br>G<br>E<br>N<br>T | U<br>N<br>L<br>I<br>Q<br>U<br>I<br>D<br>A<br>T<br>E<br>D | D<br>I<br>S<br>P<br>U<br>T<br>E<br>D | AMOUNT OF CLAIM  |
|---|---------------------------------|---|--|--|--------------------------------------|------------------|
|   |                                 | DATE CLAIM WAS INCURRED AND<br>CONSIDERATION FOR CLAIM. IF CLAIM<br>IS SUBJECT TO SETOFF, SO STATE. |  |  |                                      |                  |
| Account No. <b>8709</b>   | -                               | <b>Notice Only</b>  |  |  |                                      |                  |
| <b>Verizon Wireless</b><br><b>PO Box 105378</b><br><b>Atlanta, GA 30348</b>                                     |                                 |   |  |  |                                      |                  |
| Account No. <b>xxx4797</b>  | -                               | <b>Notice Only</b>  |  |  |                                      |                  |
| <b>Waste Management of Carolinas, Inc.</b><br><b>1047 Highway Church Road</b><br><b>Elgin, SC 29045-9119</b>    |                                 |   |  |  |                                      |                  |
| Account No.   |                                 |   |  |  |                                      |                  |
|   |                                 |   |  |  |                                      |                  |
| Account No.   |                                 |   |  |  |                                      |                  |
|   |                                 |   |  |  |                                      |                  |
| Account No.   |                                 |   |  |  |                                      |                  |
|   |                                 |   |  |  |                                      |                  |
| Sheet no. <u>3</u> of <u>3</u> sheets attached to Schedule of<br>Creditors Holding Unsecured Nonpriority Claims |                                 |   |  |  |                                      | <b>0.00</b>      |
| Subtotal<br>(Total of this page)  |                                 |   |  |  |                                      | <b>0.00</b>      |
| Total<br>(Report on Summary of Schedules)   |                                 |   |  |  |                                      | <b>68,481.25</b> |

In re **Mack's Heating & Air Conditioning Company**

Case No. \_\_\_\_\_

Debtor

**SCHEDULE G - EXECUTORY CONTRACTS AND UNEXPIRED LEASES**

Describe all executory contracts of any nature and all unexpired leases of real or personal property. Include any timeshare interests. State nature of debtor's interest in contract, i.e., "Purchaser", "Agent", etc. State whether debtor is the lessor or lessee of a lease. Provide the names and complete mailing addresses of all other parties to each lease or contract described. If a minor child is a party to one of the leases or contracts, state the child's initials and the name and address of the child's parent or guardian, such as "A.B., a minor child, by John Doe, guardian." Do not disclose the child's name. See, 11 U.S.C. §112 and Fed. R. Bankr. P. 1007(m).

☐ Check this box if debtor has no executory contracts or unexpired leases.

| Name and Mailing Address, Including Zip Code,<br>of Other Parties to Lease or Contract                                   | Description of Contract or Lease and Nature of Debtor's Interest.<br>State whether lease is for nonresidential real property.<br>State contract number of any government contract. |
|--|--|
| <b>Charter Communications<br/>Attn: Bankruptcy Department<br/>400 Atlantic Street, 10th Floor<br/>Stamford, CT 06901</b> | <b>Internet Provider @ \$198/mo</b>  |
| <b>Demand Force<br/>22 4th Street, 12th Floor<br/>San Francisco, CA 94103</b>  | <b>Quickbooks online and Internet Advertising at<br/>\$199/mo expires 1/2017</b>   |
| <b>Godaddy.com<br/>Corporate/Bankruptcy Department<br/>14455 N. Hayden Road, Suite 226<br/>Scottsdale, AZ 85260</b>      | <b>Website domain- paid through 2/2017</b>   |
| <b>Intuit Payroll<br/>Attn: Bankruptcy Department<br/>2632 Marine Way<br/>Mountain View, CA 94043</b>                    | <b>Payroll Services/ Month to Month at \$39/mo</b>   |
| <b>Verizon Wireless<br/>PO Box 105378<br/>Atlanta, GA 30348</b>  | <b>Cell Phone contract/expires 2/2016- Current at<br/>\$350/mo</b>   |
| <b>Waste Management<br/>Attn: Bankruptcy Department<br/>1001 Fannin, Suite 4000<br/>Houston, TX 77002</b>                | <b>Trash Pick-up Service/month to month @ \$419/mo</b>   |

In re **Mack's Heating & Air Conditioning Company**

Case No. \_\_\_\_\_

Debtor

**SCHEDULE H - CODEBTORS**

Provide the information requested concerning any person or entity, other than a spouse in a joint case, that is also liable on any debts listed by debtor in the schedules of creditors. Include all guarantors and co-signers. If the debtor resides or resided in a community property state, commonwealth, or territory (including Alaska, Arizona, California, Idaho, Louisiana, Nevada, New Mexico, Puerto Rico, Texas, Washington, or Wisconsin) within the eight year period immediately preceding the commencement of the case, identify the name of the debtor's spouse and of any former spouse who resides or resided with the debtor in the community property state, commonwealth, or territory. Include all names used by the nondebtor spouse during the eight years immediately preceding the commencement of this case. If a minor child is a codebtor or a creditor, state the child's initials and the name and address of the child's parent or guardian, such as "A.B., a minor child, by John Doe, guardian." Do not disclose the child's name. See, 11 U.S.C. §112 and Fed. R. Bankr. P. 1007(m).

☐ Check this box if debtor has no codebtors.

| NAME AND ADDRESS OF CODEBTOR  | NAME AND ADDRESS OF CREDITOR  |
|---|---|
| <b>Marshal Spivey</b><br><b>2215 Southern Road</b><br><b>Sanford, NC 27330</b>  | <b>Exxon Mobil</b><br><b>PO Box 6404</b><br><b>Sioux Falls, SD 57117</b>  |
| <b>Marshall Spivey</b><br><b>2215 Southern Road</b><br><b>Sanford, NC 27330</b> | <b>Internal Revenue Service</b><br><b>Centralized Insolvency</b><br><b>PO Box 7346</b><br><b>Philadelphia, PA 19101-7346</b>        |
| <b>Marshall Spivey</b><br><b>2215 Southern Road</b><br><b>Sanford, NC 27330</b> | <b>North Carolina Dept. of Revenue</b><br><b>P.O. Box 1168</b><br><b>Raleigh, NC 27602-1168</b>                                     |
| <b>Marshall Spivey, Jr</b><br><b>Deceased</b>                                   | <b>PNC Bank</b><br><b>Attn: Bankruptcy Department</b><br><b>249 5th Avenue</b><br><b>1 PNC Plaza</b><br><b>Pittsburgh, PA 15222</b> |

**United States Bankruptcy Court  
Middle District of North Carolina**In re **Mack's Heating & Air Conditioning Company**

Debtor(s)

Case No.  
Chapter**11****DECLARATION CONCERNING DEBTOR'S SCHEDULES**

## DECLARATION UNDER PENALTY OF PERJURY ON BEHALF OF CORPORATION OR PARTNERSHIP

I, the President of the corporation named as debtor in this case, declare under penalty of perjury that I have read the foregoing summary and schedules, consisting of 20 sheets, and that they are true and correct to the best of my knowledge, information, and belief.

Date **April 8, 2015**Signature **/s/ Marshall L. Spivey**  
**Marshall L. Spivey**  
**President**

*Penalty for making a false statement or concealing property:* Fine of up to \$500,000 or imprisonment for up to 5 years or both.  
18 U.S.C. §§ 152 and 3571.

**United States Bankruptcy Court  
Middle District of North Carolina**

In re **Mack's Heating & Air Conditioning Company**

Debtor(s)

Case No.

Chapter

**11**

**STATEMENT OF FINANCIAL AFFAIRS**

This statement is to be completed by every debtor. Spouses filing a joint petition may file a single statement on which the information for both spouses is combined. If the case is filed under chapter 12 or chapter 13, a married debtor must furnish information for both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed. An individual debtor engaged in business as a sole proprietor, partner, family farmer, or self-employed professional, should provide the information requested on this statement concerning all such activities as well as the individual's personal affairs. To indicate payments, transfers and the like to minor children, state the child's initials and the name and address of the child's parent or guardian, such as "A.B., a minor child, by John Doe, guardian." Do not disclose the child's name. See, 11 U.S.C. § 112; Fed. R. Bankr. P. 1007(m).

Questions 1 - 18 are to be completed by all debtors. Debtors that are or have been in business, as defined below, also must complete Questions 19 - 25. **If the answer to an applicable question is "None," mark the box labeled "None."** If additional space is needed for the answer to any question, use and attach a separate sheet properly identified with the case name, case number (if known), and the number of the question.

*DEFINITIONS*

*"In business."* A debtor is "in business" for the purpose of this form if the debtor is a corporation or partnership. An individual debtor is "in business" for the purpose of this form if the debtor is or has been, within six years immediately preceding the filing of this bankruptcy case, any of the following: an officer, director, managing executive, or owner of 5 percent or more of the voting or equity securities of a corporation; a partner, other than a limited partner, of a partnership; a sole proprietor or self-employed full-time or part-time. An individual debtor also may be "in business" for the purpose of this form if the debtor engages in a trade, business, or other activity, other than as an employee, to supplement income from the debtor's primary employment.

*"Insider."* The term "insider" includes but is not limited to: relatives of the debtor; general partners of the debtor and their relatives; corporations of which the debtor is an officer, director, or person in control; officers, directors, and any persons in control of a corporate debtor and their relatives; affiliates of the debtor and insiders of such affiliates; and any managing agent of the debtor. 11 U.S.C. § 101(2), (31).

---

**1. Income from employment or operation of business**

None

☐

State the gross amount of income the debtor has received from employment, trade, or profession, or from operation of the debtor's business, including part-time activities either as an employee or in independent trade or business, from the beginning of this calendar year to the date this case was commenced. State also the gross amounts received during the **two years** immediately preceding this calendar year. (A debtor that maintains, or has maintained, financial records on the basis of a fiscal rather than a calendar year may report fiscal year income. Identify the beginning and ending dates of the debtor's fiscal year.) If a joint petition is filed, state income for each spouse separately. (Married debtors filing under chapter 12 or chapter 13 must state income of both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

|                     |                                |
|---------------------|--------------------------------|
| AMOUNT              | SOURCE                         |
| <b>\$621,184.00</b> | <b>2013: Tax Return- Gross</b> |
| <b>\$527,795.50</b> | <b>2014- Gross</b>             |
| <b>\$143,476.99</b> | <b>2015-YTD- Gross</b>         |

---

**2. Income other than from employment or operation of business**

None

☒

State the amount of income received by the debtor other than from employment, trade, profession, or operation of the debtor's business during the **two years** immediately preceding the commencement of this case. Give particulars. If a joint petition is filed, state income for each spouse separately. (Married debtors filing under chapter 12 or chapter 13 must state income for each spouse whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

|        |        |
|--------|--------|
| AMOUNT | SOURCE |
|--------|--------|

**3. Payments to creditors**

None ☒ **Complete a. or b., as appropriate, and c.**

a. *Individual or joint debtor(s) with primarily consumer debts:* List all payments on loans, installment purchases of goods or services, and other debts to any creditor made within **90 days** immediately preceding the commencement of this case unless the aggregate value of all property that constitutes or is affected by such transfer is less than \$600. Indicate with an asterisk (\*) any payments that were made to a creditor on account of a domestic support obligation or as part of an alternative repayment schedule under a plan by an approved nonprofit budgeting and credit counseling agency. (Married debtors filing under chapter 12 or chapter 13 must include payments by either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

| NAME AND ADDRESS OF CREDITOR | DATES OF PAYMENTS | AMOUNT PAID | AMOUNT STILL OWING |
|------------------------------|-------------------|-------------|--------------------|
|------------------------------|-------------------|-------------|--------------------|

None ☐ b. *Debtor whose debts are not primarily consumer debts:* List each payment or other transfer to any creditor made within **90 days** immediately preceding the commencement of the case unless the aggregate value of all property that constitutes or is affected by such transfer is less than \$6,225\*. If the debtor is an individual, indicate with an asterisk (\*) any payments that were made to a creditor on account of a domestic support obligation or as part of an alternative repayment schedule under a plan by an approved nonprofit budgeting and credit counseling agency. (Married debtors filing under chapter 12 or chapter 13 must include payments and other transfers by either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

| NAME AND ADDRESS OF CREDITOR   | DATES OF PAYMENTS/<br>TRANSFERS  | AMOUNT PAID OR<br>VALUE OF<br>TRANSFERS | AMOUNT STILL<br>OWING |
|--|--|---|-----------------------|
| Internal Revenue Service<br>Centralized Insolvency<br>PO Box 7346<br>Philadelphia, PA 19101-7346 | 01/2014; 02/2014; 03/2014;<br>04/2014; 06/2014; 07/2014;<br>08/2014; 9/2014; 10/2014;<br>11/2014 | \$25,100.00                             | \$268,208.50          |

None ☒ c. *All debtors:* List all payments made within **one year** immediately preceding the commencement of this case to or for the benefit of creditors who are or were insiders. (Married debtors filing under chapter 12 or chapter 13 must include payments by either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

| NAME AND ADDRESS OF CREDITOR AND<br>RELATIONSHIP TO DEBTOR | DATE OF PAYMENT | AMOUNT PAID | AMOUNT STILL<br>OWING |
|--|-----------------|-------------|-----------------------|
|--|-----------------|-------------|-----------------------|

**4. Suits and administrative proceedings, executions, garnishments and attachments**

None ☐ a. List all suits and administrative proceedings to which the debtor is or was a party within **one year** immediately preceding the filing of this bankruptcy case. (Married debtors filing under chapter 12 or chapter 13 must include information concerning either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

| CAPTION OF SUIT<br>AND CASE NUMBER                            | NATURE OF<br>PROCEEDING | COURT OR AGENCY<br>AND LOCATION | STATUS OR<br>DISPOSITION  |
|---|-------------------------|---------------------------------|---|
| Mack's Heating & A C Co<br>v.<br>Holder, Danny<br>08 CVM 1151 | Money owed              | Lee County                      | Judgment-<br>Mr. Holder<br>has paid the<br>Judgment; to<br>be dismissed |
| Mack's Heating & AC Co<br>v.<br>RSJ Const.<br>08-Cvm-1152     | Money Owed              | Lee County                      | Judgment  |

None ☒ b. Describe all property that has been attached, garnished or seized under any legal or equitable process within **one year** immediately preceding the commencement of this case. (Married debtors filing under chapter 12 or chapter 13 must include information concerning property of either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

\* Amount subject to adjustment on 4/01/16, and every three years thereafter with respect to cases commenced on or after the date of adjustment.

B7 (Official Form 7) (04/13)

3

| NAME AND ADDRESS OF PERSON FOR WHOSE<br>BENEFIT PROPERTY WAS SEIZED | DATE OF SEIZURE | DESCRIPTION AND VALUE OF<br>PROPERTY |
|---|-----------------|--------------------------------------|
|---|-----------------|--------------------------------------|

**5. Repossessions, foreclosures and returns**

- None ☒ List all property that has been repossessed by a creditor, sold at a foreclosure sale, transferred through a deed in lieu of foreclosure or returned to the seller, within **one year** immediately preceding the commencement of this case. (Married debtors filing under chapter 12 or chapter 13 must include information concerning property of either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

| NAME AND ADDRESS OF<br>CREDITOR OR SELLER | DATE OF REPOSSESSION,<br>FORECLOSURE SALE,<br>TRANSFER OR RETURN | DESCRIPTION AND VALUE OF<br>PROPERTY |
|---|--|--------------------------------------|
|---|--|--------------------------------------|

**6. Assignments and receiverships**

- None ☒ a. Describe any assignment of property for the benefit of creditors made within **120 days** immediately preceding the commencement of this case. (Married debtors filing under chapter 12 or chapter 13 must include any assignment by either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

| NAME AND ADDRESS OF ASSIGNEE | DATE OF<br>ASSIGNMENT | TERMS OF ASSIGNMENT OR SETTLEMENT |
|------------------------------|-----------------------|-----------------------------------|
|------------------------------|-----------------------|-----------------------------------|

- None ☒ b. List all property which has been in the hands of a custodian, receiver, or court-appointed official within **one year** immediately preceding the commencement of this case. (Married debtors filing under chapter 12 or chapter 13 must include information concerning property of either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

| NAME AND ADDRESS<br>OF CUSTODIAN | NAME AND LOCATION<br>OF COURT<br>CASE TITLE & NUMBER | DATE OF<br>ORDER | DESCRIPTION AND VALUE OF<br>PROPERTY |
|----------------------------------|--|------------------|--------------------------------------|
|----------------------------------|--|------------------|--------------------------------------|

**7. Gifts**

- None ☐ List all gifts or charitable contributions made within **one year** immediately preceding the commencement of this case except ordinary and usual gifts to family members aggregating less than \$200 in value per individual family member and charitable contributions aggregating less than \$100 per recipient. (Married debtors filing under chapter 12 or chapter 13 must include gifts or contributions by either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

| NAME AND ADDRESS OF<br>PERSON OR ORGANIZATION                                   | RELATIONSHIP TO<br>DEBTOR, IF ANY | DATE OF GIFT | DESCRIPTION AND<br>VALUE OF GIFT   |
|---|-----------------------------------|--------------|--|
| Deep River Northview Optimist<br>PO Box 984<br>Sanford, NC 27331<br>Sonic Print | None                              | Annually     | Contract- sponsorship for<br>spring baseball \$350 and fall<br>baseball \$350<br>115/month- 6 month contract |
| Kiwanas Club of Sanford   | None                              | Annually     | 300/annual- not under<br>contract  |

**8. Losses**

- None ☒ List all losses from fire, theft, other casualty or gambling within **one year** immediately preceding the commencement of this case **or since the commencement of this case**. (Married debtors filing under chapter 12 or chapter 13 must include losses by either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

| DESCRIPTION AND VALUE<br>OF PROPERTY | DESCRIPTION OF CIRCUMSTANCES AND, IF<br>LOSS WAS COVERED IN WHOLE OR IN PART<br>BY INSURANCE, GIVE PARTICULARS | DATE OF LOSS |
|--------------------------------------|--|--------------|
|--------------------------------------|--|--------------|

B7 (Official Form 7) (04/13)

4

**9. Payments related to debt counseling or bankruptcy**

- None ☐ List all payments made or property transferred by or on behalf of the debtor to any persons, including attorneys, for consultation concerning debt consolidation, relief under the bankruptcy law or preparation of the petition in bankruptcy within **one year** immediately preceding the commencement of this case.

| NAME AND ADDRESS OF PAYEE  | DATE OF PAYMENT, NAME OF PAYER IF OTHER THAN DEBTOR                               | AMOUNT OF MONEY OR DESCRIPTION AND VALUE OF PROPERTY |
|--|---|--|
| Ivey, McClellan, Gatton & Siegmund, LLP<br>100 S Elm St, Ste 500<br>Greensboro, NC 27401 | January 21, 2015  | \$10,000.00  |
| Ivey, McClellan, Gatton & Siegmund, LLP<br>100 S Elm St, Ste 500<br>Greensboro, NC 27401 | April 3, 2013   | \$2,000.00   |
| Ivey, McClellan, Gatton & Siegmund, LLP<br>100 S Elm St, Ste 500<br>Greensboro, NC 27401 | April 7, 2015 payment for pre-petition work with remainder in Trust at \$5,243.00 | \$6,757.00, includes filing fee of \$1717.00         |

**10. Other transfers**

- None ☐ a. List all other property, other than property transferred in the ordinary course of the business or financial affairs of the debtor, transferred either absolutely or as security within **two years** immediately preceding the commencement of this case. (Married debtors filing under chapter 12 or chapter 13 must include transfers by either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

| NAME AND ADDRESS OF TRANSFEREE, RELATIONSHIP TO DEBTOR | DATE | DESCRIBE PROPERTY TRANSFERRED AND VALUE RECEIVED |
|--|------|--|
|--|------|--|

- None ☐ b. List all property transferred by the debtor within **ten years** immediately preceding the commencement of this case to a self-settled trust or similar device of which the debtor is a beneficiary.

| NAME OF TRUST OR OTHER DEVICE | DATE(S) OF TRANSFER(S) | AMOUNT OF MONEY OR DESCRIPTION AND VALUE OF PROPERTY OR DEBTOR'S INTEREST IN PROPERTY |
|-------------------------------|------------------------|---|
|-------------------------------|------------------------|---|

**11. Closed financial accounts**

- None ☐ List all financial accounts and instruments held in the name of the debtor or for the benefit of the debtor which were closed, sold, or otherwise transferred within **one year** immediately preceding the commencement of this case. Include checking, savings, or other financial accounts, certificates of deposit, or other instruments; shares and share accounts held in banks, credit unions, pension funds, cooperatives, associations, brokerage houses and other financial institutions. (Married debtors filing under chapter 12 or chapter 13 must include information concerning accounts or instruments held by or for either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

| NAME AND ADDRESS OF INSTITUTION | TYPE OF ACCOUNT, LAST FOUR DIGITS OF ACCOUNT NUMBER, AND AMOUNT OF FINAL BALANCE | AMOUNT AND DATE OF SALE OR CLOSING |
|---------------------------------|--|------------------------------------|
|---------------------------------|--|------------------------------------|

**12. Safe deposit boxes**

- None ☐ List each safe deposit or other box or depository in which the debtor has or had securities, cash, or other valuables within **one year** immediately preceding the commencement of this case. (Married debtors filing under chapter 12 or chapter 13 must include boxes or depositories of either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

| NAME AND ADDRESS OF BANK OR OTHER DEPOSITORY | NAMES AND ADDRESSES OF THOSE WITH ACCESS TO BOX OR DEPOSITORY | DESCRIPTION OF CONTENTS | DATE OF TRANSFER OR SURRENDER, IF ANY |
|--|---|-------------------------|---------------------------------------|
|--|---|-------------------------|---------------------------------------|



**13. Setoffs**

- None ☐ List all setoffs made by any creditor, including a bank, against a debt or deposit of the debtor within **90 days** preceding the commencement of this case. (Married debtors filing under chapter 12 or chapter 13 must include information concerning either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

NAME AND ADDRESS OF CREDITOR  
**Internal Revenue Service**  
**Centralized Insolvency**  
**PO Box 7346**  
**Philadelphia, PA 19101-7346**

DATE OF SETOFF  
**set off on owners tax refund**

AMOUNT OF SETOFF  
**\$1,972.00**

**14. Property held for another person**

- None ☐ List all property owned by another person that the debtor holds or controls.

NAME AND ADDRESS OF OWNER  
**Marshall Spivey**  
**2215 Southern Road**  
**Sanford, NC 27330**

DESCRIPTION AND VALUE OF PROPERTY  
**Handtools and Drills**

LOCATION OF PROPERTY  
**1124 Deep River Road, Sanford, NC**  
**27330**

**Employees**

**All small tools and hand tools are owned**  
**by each employee**

**15. Prior address of debtor**

- None ☒ If the debtor has moved within **three years** immediately preceding the commencement of this case, list all premises which the debtor occupied during that period and vacated prior to the commencement of this case. If a joint petition is filed, report also any separate address of either spouse.

ADDRESS

NAME USED

DATES OF OCCUPANCY

**16. Spouses and Former Spouses**

- None ☒ If the debtor resides or resided in a community property state, commonwealth, or territory (including Alaska, Arizona, California, Idaho, Louisiana, Nevada, New Mexico, Puerto Rico, Texas, Washington, or Wisconsin) within **eight years** immediately preceding the commencement of the case, identify the name of the debtor's spouse and of any former spouse who resides or resided with the debtor in the community property state.

NAME

**17. Environmental Information.**

For the purpose of this question, the following definitions apply:

"Environmental Law" means any federal, state, or local statute or regulation regulating pollution, contamination, releases of hazardous or toxic substances, wastes or material into the air, land, soil, surface water, groundwater, or other medium, including, but not limited to, statutes or regulations regulating the cleanup of these substances, wastes, or material.

"Site" means any location, facility, or property as defined under any Environmental Law, whether or not presently or formerly owned or operated by the debtor, including, but not limited to, disposal sites.

"Hazardous Material" means anything defined as a hazardous waste, hazardous substance, toxic substance, hazardous material, pollutant, or contaminant or similar term under an Environmental Law

- None ☒ a. List the name and address of every site for which the debtor has received notice in writing by a governmental unit that it may be liable or potentially liable under or in violation of an Environmental Law. Indicate the governmental unit, the date of the notice, and, if known, the Environmental Law:

SITE NAME AND ADDRESS

NAME AND ADDRESS OF  
GOVERNMENTAL UNIT

DATE OF  
NOTICE

ENVIRONMENTAL  
LAW

B7 (Official Form 7) (04/13)

6

- None ☒ b. List the name and address of every site for which the debtor provided notice to a governmental unit of a release of Hazardous Material. Indicate the governmental unit to which the notice was sent and the date of the notice.

| SITE NAME AND ADDRESS                    | NAME AND ADDRESS OF<br>GOVERNMENTAL UNIT   | DATE OF<br>NOTICE     | ENVIRONMENTAL<br>LAW |
|--|--|-----------------------|----------------------|
| None <input checked="" type="checkbox"/> | c. List all judicial or administrative proceedings, including settlements or orders, under any Environmental Law with respect to which the debtor is or was a party. Indicate the name and address of the governmental unit that is or was a party to the proceeding, and the docket number. |                       |                      |
| NAME AND ADDRESS OF<br>GOVERNMENTAL UNIT | DOCKET NUMBER  | STATUS OR DISPOSITION |                      |

**18. Nature, location and name of business**

- None ☒ a. *If the debtor is an individual*, list the names, addresses, taxpayer identification numbers, nature of the businesses, and beginning and ending dates of all businesses in which the debtor was an officer, director, partner, or managing executive of a corporation, partner in a partnership, sole proprietor, or was self-employed in a trade, profession, or other activity either full- or part-time within **six years** immediately preceding the commencement of this case, or in which the debtor owned 5 percent or more of the voting or equity securities within **six years** immediately preceding the commencement of this case.

*If the debtor is a partnership*, list the names, addresses, taxpayer identification numbers, nature of the businesses, and beginning and ending dates of all businesses in which the debtor was a partner or owned 5 percent or more of the voting or equity securities, within **six years** immediately preceding the commencement of this case.

*If the debtor is a corporation*, list the names, addresses, taxpayer identification numbers, nature of the businesses, and beginning and ending dates of all businesses in which the debtor was a partner or owned 5 percent or more of the voting or equity securities within **six years** immediately preceding the commencement of this case.

| NAME                                     | LAST FOUR DIGITS OF<br>SOCIAL-SECURITY OR<br>OTHER INDIVIDUAL<br>TAXPAYER-I.D. NO.<br>(ITIN)/ COMPLETE EIN                              | ADDRESS | NATURE OF BUSINESS | BEGINNING AND<br>ENDING DATES |
|--|---|---------|--------------------|-------------------------------|
| None <input checked="" type="checkbox"/> | b. Identify any business listed in response to subdivision a., above, that is "single asset real estate" as defined in 11 U.S.C. § 101. |         |                    |                               |
| NAME                                     | ADDRESS   |         |                    |                               |

The following questions are to be completed by every debtor that is a corporation or partnership and by any individual debtor who is or has been, within **six years** immediately preceding the commencement of this case, any of the following: an officer, director, managing executive, or owner of more than 5 percent of the voting or equity securities of a corporation; a partner, other than a limited partner, of a partnership, a sole proprietor, or self-employed in a trade, profession, or other activity, either full- or part-time.

*(An individual or joint debtor should complete this portion of the statement **only** if the debtor is or has been in business, as defined above, within six years immediately preceding the commencement of this case. A debtor who has not been in business within those six years should go directly to the signature page.)*

**19. Books, records and financial statements**

- None ☐ a. List all bookkeepers and accountants who within **two years** immediately preceding the filing of this bankruptcy case kept or supervised the keeping of books of account and records of the debtor.

| NAME AND ADDRESS   | DATES SERVICES RENDERED |
|--|-------------------------|
| <b>Marshall L. Spivey</b><br><b>2215 Southern Road</b><br><b>Sanford, NC 27330</b> | <b>Since 2008</b>       |

- None ☒ b. List all firms or individuals who within the **two years** immediately preceding the filing of this bankruptcy case have audited the books of account and records, or prepared a financial statement of the debtor.

B7 (Official Form 7) (04/13)

7

| NAME                             | ADDRESS  | DATES SERVICES RENDERED |
|----------------------------------|--|-------------------------|
| None<br><input type="checkbox"/> | c. List all firms or individuals who at the time of the commencement of this case were in possession of the books of account and records of the debtor. If any of the books of account and records are not available, explain. |                         |

|                                   |  |
|-----------------------------------|--|
| NAME<br><b>Marshall L. Spivey</b> | ADDRESS<br><b>2215 Southern Road<br/>Sanford, NC 27330</b> |
|-----------------------------------|--|

|                                  |   |
|----------------------------------|---|
| None<br><input type="checkbox"/> | d. List all financial institutions, creditors and other parties, including mercantile and trade agencies, to whom a financial statement was issued by the debtor within <b>two years</b> immediately preceding the commencement of this case. |
|----------------------------------|---|

| NAME AND ADDRESS   | DATE ISSUED                          |
|--|--------------------------------------|
| <b>Internal Revenue Service<br/>Centralized Insolvency<br/>PO Box 7346<br/>Philadelphia, PA 19101-7346</b> | <b>Spring of 2012, 2013 and 2014</b> |
| <b>North Carolina Dept. of Revenue<br/>P.O. Box 1168<br/>Raleigh, NC 27602-1168</b>                        | <b>March 2014</b>                    |

---

**20. Inventories**

|                                  |  |
|----------------------------------|--|
| None<br><input type="checkbox"/> | a. List the dates of the last two inventories taken of your property, the name of the person who supervised the taking of each inventory, and the dollar amount and basis of each inventory. |
|----------------------------------|--|

| DATE OF INVENTORY                              | INVENTORY SUPERVISOR | DOLLAR AMOUNT OF INVENTORY<br>(Specify cost, market or other basis) |
|--|----------------------|---|
| <b>Not enough inventory on hand to warrant</b> |                      |   |

|                                  |   |
|----------------------------------|---|
| None<br><input type="checkbox"/> | b. List the name and address of the person having possession of the records of each of the inventories reported in a., above. |
|----------------------------------|---|

| DATE OF INVENTORY                              | NAME AND ADDRESSES OF CUSTODIAN OF INVENTORY RECORDS |
|--|--|
| <b>Not enough inventory on hand to warrant</b> | <b>Marshall Spivey</b>                               |

---

**21 . Current Partners, Officers, Directors and Shareholders**

|                                  |  |
|----------------------------------|--|
| None<br><input type="checkbox"/> | a. If the debtor is a partnership, list the nature and percentage of partnership interest of each member of the partnership. |
|----------------------------------|--|

| NAME AND ADDRESS   | NATURE OF INTEREST         | PERCENTAGE OF INTEREST |
|--|----------------------------|------------------------|
| <b>Marshall L. Spivey<br/>2215 Southern Road<br/>Sanford, NC 27330</b> | <b>President, Director</b> | <b>100%</b>            |
| <b>Danielle Spivey<br/>2215 Southern Road<br/>Sanford, NC 27330</b>    | <b>Secretary</b>           | <b>0%</b>              |

|   |  |
|---|--|
| None<br><input checked="" type="checkbox"/> | b. If the debtor is a corporation, list all officers and directors of the corporation, and each stockholder who directly or indirectly owns, controls, or holds 5 percent or more of the voting or equity securities of the corporation. |
|---|--|

| NAME AND ADDRESS | TITLE | NATURE AND PERCENTAGE<br>OF STOCK OWNERSHIP |
|------------------|-------|---|
|------------------|-------|---|

**22 . Former partners, officers, directors and shareholders**

- None ☒ a. If the debtor is a partnership, list each member who withdrew from the partnership within **one year** immediately preceding the commencement of this case.

| NAME | ADDRESS | DATE OF WITHDRAWAL |
|------|---------|--------------------|
|------|---------|--------------------|

- None ☒ b. If the debtor is a corporation, list all officers, or directors whose relationship with the corporation terminated within **one year** immediately preceding the commencement of this case.

| NAME AND ADDRESS | TITLE | DATE OF TERMINATION |
|------------------|-------|---------------------|
|------------------|-------|---------------------|

**23 . Withdrawals from a partnership or distributions by a corporation**

- None ☐ If the debtor is a partnership or corporation, list all withdrawals or distributions credited or given to an insider, including compensation in any form, bonuses, loans, stock redemptions, options exercised and any other perquisite during **one year** immediately preceding the commencement of this case.

| NAME & ADDRESS<br>OF RECIPIENT,<br>RELATIONSHIP TO DEBTOR   | DATE AND PURPOSE<br>OF WITHDRAWAL  | AMOUNT OF MONEY<br>OR DESCRIPTION AND<br>VALUE OF PROPERTY |
|---|--|--|
| <b>Marshall L. Spivey</b><br><b>2215 Southern Road</b><br><b>Sanford, NC 27330</b><br><b>Preident, Director</b> | <b>11/2014- reimbursement of fuel/parts for vehicle</b>  | <b>\$4150.00</b>   |
| <b>Marshall Spivey</b><br><br><b>President/Director</b>   | <b>Money was deposited into Captial Bank account by Mr. Spiveys mother for personal taxes assessed against him; money was withdrawn to pay the taxes personally assessed to Mr. Spivey</b> | <b>\$12,727.66</b>   |
| <b>Marshall Spivey</b><br><br><b>President/Director</b>   | <b>Payroll</b>   | <b>\$36,723.06</b>   |
| <b>Marshall Spivey</b><br><br><b>President/Director</b>   | <b>Checks were written for cash out of Mack's Capital Bank Account and then transferred/deposited directly into Mack's PNC Bank Account for immediate deposit for tax payments</b>         | <b>\$3,500.00</b>  |

**24. Tax Consolidation Group.**

- None ☒ If the debtor is a corporation, list the name and federal taxpayer identification number of the parent corporation of any consolidated group for tax purposes of which the debtor has been a member at any time within **six years** immediately preceding the commencement of the case.

| NAME OF PARENT CORPORATION | TAXPAYER IDENTIFICATION NUMBER (EIN) |
|----------------------------|--------------------------------------|
|----------------------------|--------------------------------------|

**25. Pension Funds.**

- None ☒ If the debtor is not an individual, list the name and federal taxpayer-identification number of any pension fund to which the debtor, as an employer, has been responsible for contributing at any time within **six years** immediately preceding the commencement of the case.

| NAME OF PENSION FUND | TAXPAYER IDENTIFICATION NUMBER (EIN) |
|----------------------|--------------------------------------|
|----------------------|--------------------------------------|

\* \* \* \* \*

**DECLARATION UNDER PENALTY OF PERJURY ON BEHALF OF CORPORATION OR PARTNERSHIP**

B7 (Official Form 7) (04/13)

9

I declare under penalty of perjury that I have read the answers contained in the foregoing statement of financial affairs and any attachments thereto and that they are true and correct to the best of my knowledge, information and belief.

Date April 8, 2015Signature /s/ Marshall L. Spivey  
**Marshall L. Spivey**  
**President**

[An individual signing on behalf of a partnership or corporation must indicate position or relationship to debtor.]

*Penalty for making a false statement: Fine of up to \$500,000 or imprisonment for up to 5 years, or both. 18 U.S.C. §§ 152 and 3571*

**United States Bankruptcy Court  
Middle District of North Carolina**

In re **Mack's Heating & Air Conditioning Company**

Debtor(s)

Case No.

Chapter

**11**

**DISCLOSURE OF COMPENSATION OF ATTORNEY FOR DEBTOR(S)**

1. Pursuant to 11 U.S.C. § 329(a) and Bankruptcy Rule 2016(b), I certify that I am the attorney for the above-named debtor and that compensation paid to me within one year before the filing of the petition in bankruptcy, or agreed to be paid to me, for services rendered or to be rendered on behalf of the debtor(s) in contemplation of or in connection with the bankruptcy case is as follows:

|   |    |                         |
|---|----|-------------------------|
| For legal services, I have agreed to accept .....           | \$ | <u><b>12,000.00</b></u> |
| Prior to the filing of this statement I have received ..... | \$ | <u><b>6,757.00</b></u>  |
| Balance Due .....   | \$ | <u><b>5,243.00</b></u>  |

2. \$ **1,717.00** of the filing fee has been paid.
3. The source of the compensation paid to me was:  
☒ Debtor      ☐ Other (specify):
4. The source of compensation to be paid to me is:  
☒ Debtor      ☐ Other (specify):
5. ☒ I have not agreed to share the above-disclosed compensation with any other person unless they are members and associates of my law firm.  
☐ I have agreed to share the above-disclosed compensation with a person or persons who are not members or associates of my law firm. A copy of the agreement, together with a list of the names of the people sharing in the compensation is attached.
6. In return for the above-disclosed fee, I have agreed to render legal service for all aspects of the bankruptcy case, including:
- Analysis of the debtor's financial situation, and rendering advice to the debtor in determining whether to file a petition in bankruptcy;
  - Preparation and filing of any petition, schedules, statement of affairs and plan which may be required;
  - Representation of the debtor at the meeting of creditors and confirmation hearing, and any adjourned hearings thereof;
  - [Other provisions as needed]
7. By agreement with the debtor(s), the above-disclosed fee does not include the following service:

**Representation of the debtors in adversary proceedings & other contested bankruptcy matters.**

**CERTIFICATION**

I certify that the foregoing is a complete statement of any agreement or arrangement for payment to me for representation of the debtor(s) in this bankruptcy proceeding.

Dated: **April 8, 2015****/s/ Dirk W. Siegmund**

**Dirk W. Siegmund 20796  
Ivey, McClellan, Gatton & Siegmund  
100 S. Elm St, Ste. 500  
Greensboro, NC 27401  
336-274-4658 Fax: 336-274-4540**

**United States Bankruptcy Court**  
**Middle District of North Carolina**

In re **Mack's Heating & Air Conditioning Company**,  
 Debtor

Case No. \_\_\_\_\_

Chapter **11**

**LIST OF EQUITY SECURITY HOLDERS**

Following is the list of the Debtor's equity security holders which is prepared in accordance with Rule 1007(a)(3) for filing in this chapter 11 case.

| Name and last known address<br>or place of business of holder                   | Security<br>Class | Number<br>of Securities | Kind of<br>Interest |
|---|-------------------|-------------------------|---------------------|
| <b>Marshall Spivey</b><br><b>2215 Southern Road</b><br><b>Sanford, NC 27330</b> |                   |                         | <b>100</b>          |

**DECLARATION UNDER PENALTY OF PERJURY ON BEHALF OF CORPORATION OR PARTNERSHIP**

I, the President of the corporation named as the debtor in this case, declare under penalty of perjury that I have read the foregoing List of Equity Security Holders and that it is true and correct to the best of my information and belief.

Date **April 8, 2015**

Signature **/s/ Marshall L. Spivey**  
**Marshall L. Spivey**  
**President**

*Penalty for making a false statement or concealing property:* Fine of up to \$500,000 or imprisonment for up to 5 years or both.  
 18 U.S.C §§ 152 and 3571.

**United States Bankruptcy Court  
Middle District of North Carolina**

In re **Mack's Heating & Air Conditioning Company**

Debtor(s)

Case No.

Chapter

**11**

**VERIFICATION OF CREDITOR MATRIX**

I, the President of the corporation named as the debtor in this case, hereby verify that the attached list of creditors is true and correct to the best of my knowledge.

Date: **April 8, 2015**

**/s/ Marshall L. Spivey**

**Marshall L. Spivey/President**

Signer/Title



American Coradius International, LLC  
35A Rust Lane  
Boerne, TX 78006-8202

Ava Spivey  
2684 Deep River Road  
Sanford, NC 27330

Charter Business  
PO Box 742600  
Cincinnati, OH 45274-2600

Charter Communications  
Attn: Bankruptcy Department  
400 Atlantic Street, 10th Floor  
Stamford, CT 06901

CitiBank, N.A.  
Credit Card Center  
PO Box 6404  
Sioux Falls, SD 57117-6404

Demand Force  
22 4th Street, 12th Floor  
San Francisco, CA 94103

Discover  
P.O. Box 30943  
Salt Lake City, UT 84130

Duke Energy  
PO Box 1090  
Charlotte, NC 28201-1090

Erie Insurance Exchange  
100 Erie Ins Place  
Erie, PA 16530

Exxon Mobil  
PO Box 6404  
Sioux Falls, SD 57117

GE Capital Retail Bank  
Attn: Bankruptcy Department  
PO Box 103104  
Roswell, GA 30076

GoDaddy  
14455 North Hayden Road, Suite 219  
Scottsdale, AZ 85260

Godaddy.com  
Corporate/Bankruptcy Department  
14455 N. Hayden Road, Suite 226  
Scottsdale, AZ 85260

Internal Revenue Service  
Centralized Insolvency  
PO Box 7346  
Philadelphia, PA 19101-7346

Intuit Payroll  
Attn: Bankruptcy Department  
2632 Marine Way  
Mountain View, CA 94043

Lee County Tax Collector  
106 Hillcrest Drive  
Sanford, NC 27331

LTD Financial Services, L.P.  
7322 Southwest Freeway, Ste. 1600  
Houston, TX 77074-2053

North Carolina Dept. of Revenue  
P.O. Box 1168  
Raleigh, NC 27602-1168

PNC Bank  
Attn: Bankruptcy Department  
249 5th Avenue  
1 PNC Plaza  
Pittsburgh, PA 15222

ProConsulting Services, Inc.  
PO Box 66768  
Houston, TX 77266-6768

The Berry Company  
4050 Piedmont Parkway, Suite 309+  
High Point, NC 27265

Verizon Wireless  
PO Box 105378  
Atlanta, GA 30348

Waste Management  
Attn: Bankruptcy Department  
1001 Fannin, Suite 4000  
Houston, TX 77002

Waste Management of Carolinas, Inc.  
1047 Highway Church Road  
Elgin, SC 29045-9119

**United States Bankruptcy Court  
Middle District of North Carolina**

In re **Mack's Heating & Air Conditioning Company**

Debtor(s)

Case No.

Chapter

**11**

**CORPORATE OWNERSHIP STATEMENT (RULE 7007.1)**

Pursuant to Federal Rule of Bankruptcy Procedure 7007.1 and to enable the Judges to evaluate possible disqualification or recusal, the undersigned counsel for **Mack's Heating & Air Conditioning Company** in the above captioned action, certifies that the following is a (are) corporation(s), other than the debtor or a governmental unit, that directly or indirectly own(s) 10% or more of any class of the corporation's(s') equity interests, or states that there are no entities to report under FRBP 7007.1:

☒ None [*Check if applicable*]

**April 8, 2015**

Date

**/s/ Dirk W. Siegmund**

**Dirk W. Siegmund 20796**

Signature of Attorney or Litigant

Counsel for **Mack's Heating & Air Conditioning Company**

**Ivey, McClellan, Gatton & Siegmund**

**100 S. Elm St, Ste. 500**

**Greensboro, NC 27401**

**336-274-4658 Fax:336-274-4540**

**United States Bankruptcy Court  
Middle District of North Carolina**

In re **Mack's Heating & Air Conditioning Company**

Debtor(s)

Case No.

Chapter

**11**

**STATEMENT REGARDING AUTHORITY TO SIGN AND FILE PETITION**

I, **Marshall L. Spivey**, declare under penalty of perjury that I am the **President** of **Mack's Heating & Air Conditioning Company**, and that the following is a true and correct copy of the resolutions adopted by the Board of Directors of said corporation at a special meeting duly called and held on the 6th day of April, 2015.

"Whereas, it is in the best interest of this corporation to file a voluntary petition in the United States Bankruptcy Court pursuant to Chapter 11 of Title 11 of the United States Code;

Be It Therefore Resolved, that **Marshall L. Spivey, President** of this Corporation, is authorized and directed to execute and deliver all documents necessary to perfect the filing of a chapter 11 voluntary bankruptcy case on behalf of the corporation; and

Be It Further Resolved, that **Marshall L. Spivey, President** of this Corporation is authorized and directed to appear in all bankruptcy proceedings on behalf of the corporation, and to otherwise do and perform all acts and deeds and to execute and deliver all necessary documents on behalf of the corporation in connection with such bankruptcy case, and

Be It Further Resolved, that **Marshall L. Spivey, President** of this Corporation is authorized and directed to employ **Dirk W. Siegmund 20796**, attorney and the law firm of **Ivey, McClellan, Gatton & Siegmund** to represent the corporation in such bankruptcy case."

Date April 8, 2015

Signed /s/ Marshall L. Spivey

**Marshall L. Spivey**

Resolution of Board of Directors  
of  
**Mack's Heating & Air Conditioning Company**

Whereas, it is in the best interest of this corporation to file a voluntary petition in the the United States Bankruptcy Court pursuant to Chapter 11 of Title 11 of the United States Code;

Be It Therefore Resolved, that **Marshall L. Spivey, President** of this Corporation, is authorized and directed to execute and deliver all documents necessary to perfect the filing of a chapter 11 voluntary bankruptcy case on behalf of the corporation; and

Be It Further Resolved, that **Marshall L. Spivey, President** of this Corporation is authorized and directed to appear in all bankruptcy proceedings on behalf of the corporation, and to otherwise do and perform all acts and deeds and to execute and deliver all necessary documents on behalf of the corporation in connection with such bankruptcy case, and

Be It Further Resolved, that **Marshall L. Spivey, President** of this Corporation is authorized and directed to employ **Dirk W. Siegmund 20796**, attorney and the law firm of **Ivey, McClellan, Gatton & Siegmund** to represent the corporation in such bankruptcy case.

Date April 8, 2015 Signed /s/Marshall L. Spivey

Date \_\_\_\_\_ Signed \_\_\_\_\_